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International Court of Justice

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Official Transcript of the International Military Tribunal in the Matter of the United States of America, the French Republic, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics against Hermann Wilhelm Goering et al, Defendants, sitting at Nurnberg, Germany, on 5 June 1946, 1000-1700, Lord Justice Lawrence presiding.

THE MARSHAL: If it please the Tribunal, the report is made that defendant Seyss-Inquart is absent.

PROF. KRAUS: (Counsel for Defendant Schacht) Mr. President, in agreement with the prosecution, I beg to be permitted to submit the memorandum of Hitler referring to the Four Year Plan, which is dated 1936. It is a certified copy, certified by a British officer. I have given it the number Schacht Exhibit No. 48.

In the afternoon session of May 1, my friend, Dr. Dix, referred to this memorandu, which could not then be incorporated into the record. Dr. Schacht quoted a few passages from that memorandum, and the President stated that we could present the memorandum later, provided, of course, that we agreed about it with the prosecution and the prosecution acquiesced.

Therefore, I hope that I may now be permitted to offer it.

Furthermore, I offer a number of English translations. Unfortunatel I have not yet been able to provide translations in the other languages, and I therefore request permission to supply those translations later.

THE PRESIDENT: Dr. Kraus, until the other translations are actually rendered, the documents will not become part of the record.

PROF. KRAUS: The English translations are available, and the others will be completed. May I submit it later?

THE PRESIDENT: Yes, certainly. And it will then become part of the record.

PROF. KRAUS: Yes, quite. I will have them for the record; they will be available.

THE PRESIDENT: Yes.

Dr. Exner.

ALBERT JODL -- Resumed

DIRECT EXAMINATION -- Resumed

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BY DR. EXNER:

Q Colonel general, yesterday you told us that you were the Chief of the Armed Forces Operational Staff and that your main task was operational plans which you had to make; that is correct, is it not?

A Yes, that is correct.

Q Then where did the plans come from? Who decided which plans you had to make?

A My case was the same as that of any other military officer. In this case, the Fuehrer himself made the decisions, mastered the details, led troops into Poland; and that is where my work began. He said I was to submit the messages in military form, such as they were needed for the entire operations of the armed forces.

Q In the course of these studies, you had to deal with operations which were never actually carried out.

A Of all those operations which I had prepared by means of orders and constructions, I actually knew of only one that for certain was carried out, and that was the operation against Yugoslavia. For other plans, there was a long interval before it finally developed whether they were actually carried out or not. As examples of operational plans which had been drafted in every detail but which were not carried out, let us take the invasion of England, the march into Spain, the capturing of Gibraltar, the capturing of Malta, the capturing of the peninsula near Petsimo, a winter attack on a point near the Murmansk Railway.

Q Then your tasks were with reference to all these theaters of war, were they not?

A At the beginning of the war, my general staff work did not apply to theaters of war as such at all. The Fuehrer's orders referred only to general forces for the armed forces, and the navy, and the air forces. Only after the Norwegian campaign did the state of affairs develop for the first time that the Army Command staff was responsible for a certain theater of war. And this condition changed completely when at the beginning of 1942 the Fuehrer himself assumed supreme command of the army.

Kesselring has already been asked, but he did not answer. However, it is

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obvious that the Fuehrer as supreme commander of the armed forces, with the assistance of Jodl, could not give orders to himself in his capacity as commander in chief of the army, which then were to be carried out with the assistance of Colonel General Keitel.

Consequently, there was that dividing line. And from that moment, he, with the General Staff of the army, was responsible for the entire eastern front, and the Army Command Staff became responsible for the general staff work of all the remaining theaters of war.

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Q Now the witness, Field Marshal Paulus, has testified in this court room that the OKW had been responsible for the order to hold Stalingrad and the Press outside has, in fact, accused Keitel and Jodl repeatedly of having been responsible for that unfortunate order; is that true?

A No, that is not true. This witness, for whom I feel the deepest friendship and with whom I have worked as excellent comrades, couldn't know the facts at all; and the fact is this: The decision, in the first instance when the danger threatened, that Stalingrad was to be held, was made by the Fuehrer during a personal discussion which he had alone with Colonel General Zeitzler and contrary to the suggestions made by Colonel General Zeitzler. He told me so himself when he came back from that confere At a later stage, when the blizzards were raging across the towns of the Don territory, there was the question of breaking out of the garrison of Stalingrad again. There Field Marshal Keitel and Colonel General Zeitzler and I myself were present.

THE PRESIDENT: Dr. Exner, I don't quite see how that is relevant although Field Marshal Paulus may have said something about it. I mean he may have given some evidence on the fighting at Stalingrad, and he undoubtedly did, but I don't see how it bears upon the case before us or how it bears upon the case for Jodl.

DR. EXNER: Mr. President, the matter is already settled. There was the desire to rectify the error made by the witness Paulus, but the matter is now at an end.

Q We now come back to the time when you, in 1939, were called to Berlin from Vienna. Whatwas the situation you found when you came to Berlin

A I found in Berlin a situation which, at least to me, was impenetrable. Nobody knew what was serious, what was bluff. The pact with Russia was keeping all our hopes alive that peace would be maintained, a hope which was increased tremendously and strengthened even more when the attack which had been ordered for the 26th of August was surprisingly cancelled. No one among the members of the armed forces to whom I talked expected a war against the Western powers at that time. Nothing had been prepared when the attack against Poland came, which was all that was prepared. There was only a defensive situation on the Western wall. The

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forces which had been stationed there were so weak that we couldn't even man all the emplacements. All the efforts for the preservation of peace, such as I have heard about when the Reichsmarshal spoke in this court room, the name Dahlerus, all these negotiations remained unknown to me unless they were published by the Press. But there is one thing I can say in conclusion, and that is that when the declaration of war was received from Great Britain and France, that impressed us soldiers who had been in the last war like a terrible stroke. Through General Stapf I heard confidentially, though it isn't confidential today, that the Reichsmarshal suffered the same shock.

Q Do you know when Poland mobilized?

A That I cannot say. I only know that at the moment when I arrived in Berlin and was only then put in the picture by General Stuelpnagel regarding the situation and our own strength, a Polish operation along the Don was already in progress, just like the German operation of taking up positions.

Q When that occurred, in answer to something which has been mentioned in the Trial Brief, namely, turning against Poland, had you made a plan for a campaign against Poland?

A No. I didn't participate with a single stroke of the pen in the operation against Poland.

Q So that I am right, in summing up, that when you left for Berlin there was no plan for the campaign against Poland?

A No.

Q And when you returned to Berlin the plan was ready?

A Yes, the plan for the attack had been completed.

Q During the report of the 28th of February, were you present when the report was confirmed?

A No, I was still in Vienna.

Q When did you hear of that report?

A Here in Nurnberg.

Q Do you remember a meeting in the Fuehrer's special train on the 19th of September, '39, which has been mentioned by General Lahousen here? Can you remember that?

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A Yes, I remember that conference exactly.

Q What was talked about as long as you were in that special train?

A I met the Fuehrer in the so-called Order Group carriage where Field Marshal Keitel, Canaris and Lahousen were present; then Canaris made a brief oral report regarding the news he had from the West and he expressed the thought that a French attack in the Saarbruecken sector was pending. The Fuehrer contradicted and I also did. Apart from that, nothing else was talked about.

Q So that Lahousen's statement on this point is correct, namely, that you were only present during that part of the conference; is that right?

A As far as I am concerned, I have no objections to Lahousen's testimony. It is absolutely correct.

Q During this trial the artillery bombardment and air bombing of Warsaw has been repeatedly mentioned. Were you a participant when these orders were given?

A Yes, I was a participant insofar as these facts occurred. When the Commander in Chief of the Army applied to the Fuehrer to allow artillery bombardment, and after artillery positions had been occupied, the Fuehrer turned down that request and he said: "That is insane, what is going on here through those Poles." He ordered me to draft newpamphlets, new leaflets, which of course I did, personally and at once, and these leaflets were again to be dropped on Warsaw. Only when this renewed demand to stop the useless resistance had no success at all did he permit artillery bombardment and air attacks on the fortress Warsaw -- and I emphasize the word "fortress".

Q Did you have something to do with coordinating German and Soviet Russian operations?

A Yes. When we were about three days march away from the River Weichsel I was informed, much to my surprise, by I think the representative of the Foreign Office to the Fuehrer Headquarters, to the effect that Soviet Russia --

THE PRESIDENT: Defendant, if it is convenient to you, I think you might

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speak a little bit faster.

A The Polish territories east of a certain demarcation line were to be occupied at a suitable moment by Soviet Russian troops. When this demarcation line, which was shown to me on a map, was approached by us -- that was, incidentally, the line of the East Prussian Lithuanian frontier along the Weichsel, -- I telephoned Moscow. I talked to the Military Attache and I informed him that quite probably we would reach the line at certain points in the course of the following day.

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Shortly afterwards, I received the news over the telephone that the Russian divisions weren't yet ready. When, on the other hand, we had reached the demarcation line two days later and had to cross it because we were pursuing the Poles, I once again received news from Moscow at 2 o'clock in the morning, to the effect that at 4 o'clock in the morning the Soviet Russian divisions would be present along the entire front. That was carried out most punctually. And I then drafted an order to the effect that our German troops, wherever they were taking up contact with Soviet troops and had made arrangements with Soviet troops, would then have to withdraw behind the demarcation line.

Q Can you possibly remember what the date of these arrangements was?

A I can't tell you exactly when the arrival took place, the arrival on that line, but I would say it was on or about the 14th or 15th of September.

Q Let us now deal with the aggressive wars against neutral states --

THE PRESIDENT: All that the Defendant has been telling us simply seems to be a waste of our time, with absolutely no relevance to this case at all; and why you let him do it, I don't know.

Q You have been accused of having used your personal influence and close contact with the Fuehrer to attack quite a number of neutral states. Is that true?

A That is not true. I remember that a witness here was talking about what an uncanny influence I had with him and my incredible closeness to the Fuehrer. At any rate, he mentioned something -- something sinister. But my influence on the Fuehrer was unfortunately nowhere nearly as great as it really ought to have been, according to the position I held -- in fact, as it ought to have been. The reason is the tremendous personality of this man of power who couldn't suffer advisers very easily.

Q When did you hear for the first time of a plan for the possible invasion of Norway?

A The Fuehrer talked to me, I think, in the middle of November, 1939. At any rate, some time after Grand Admiral Raeder had talked to him about it for the first time. That first conference which I think took place on the 10th of October was reported to me and the Fuehrer didn't informme. But he talked to me in the middle of November. The details I didn't learn until the report of

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the Supreme Commander of the Navy which took place on the 12th of November and when I was present.

Q In this connection I draw your attention to Document C-64, GB-86, which is on page 46 of the Document Book, but I do not need to read it. It is the first volume, page 46. What was the Fuehrer's point of view?

A It was the general attitude of the Fuehrer at that time, which incidentally is available in writing, that he wasn't in any way interested in extending the theatres of war, but if the danger really arose, that Norway might be occupied by Great Britain, in that event the situation would be different.

Q Was anything ordered at that time?

A Nothing was ordered at all. He merely instructed me to think about that problem generally. The preparations, as proved by documents, were begun on the 27th of January, 1940.

DR. EXNER: That, Mr. President, can be seen from Document C-63, USA-8

Q Were you of the opinion at the time that Hitler's assurances during December and October, 1939, namely that Norwegian neutrality would be respecte was given to allow Norway some safety assurances, as has been stated by the Prosecution.

A That statement can certainly be refuted, and by means of a few date which I shallgive you. These political assurances were made by the Fuehrer or the Reich Government on the 2nd of September and the 6th of October. On the 9th of October the Fuehrer read that famous memorandum and signed it, whic is known as Document L-52. I do not know whether the Tribunal is aware of the fact that that is a memorandum written by the Fuehrer personally.

DR. EXNER: This is Document L-52, USA-540, and it is contained on page 48 of Volume 1 of my Document Book.

Q Who was the memorandum prepared for?

A I think the document shows it. It went to the three commanders-in-chief and the head of the OKW only. Every word of it was dictated by the Fuehrer personally, and it was completed during two nights.

Q I shall read the second paragraph on page 48:

"The Nordic States: Provided no completely unforeseen factors appear,

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their neutrality in the future is also to be assumed. The continuation of German trade with these countries appears possible even if the war is of long duration."

A It is quite out of the question that in this most secret memorandum the Fuehrer could have mentioned anything other than his true intentions at that particular moment. But then that is all the more understandable, as only one day later, that is to say, on the 10th of October, Grand Admiral Raeder mentioned such worries to the Fuehrer for the first time.

Q Was the occupation of Norway a very serious decision, a weighty one?

A It was a tremendous decision. To be brief, it meant risking the entire German Fleet. It meant that we had to defend a coast of more than 3,000 kilometers; and that meant that at least 300,000 men would be taken up with the task. That is why the decision was subject to really reliable information, and that meant that there really was danger for Norway. That is the reason why nodefinite date was fixed for that operational plan. And that is the reason why I later made the proposal that the forces for the Operation Norway, should it become necessary to attack in the West, be kept separate.

Q What were the reasons why the occupation had to be prepared in every detail?

A The reasons are quite open and quite clear. They are contained in the directive of the 1st of March, 1940, which is Document C-174 --

Q And that is Exhibit GB-89 --

A We had to be prepared in any case --

THE PRESIDENT: Is that 174-PS or what?

DR. EXNER: It isn't in print here, before me. He is referring to a document which the British Prosecution have submitted under GB-89.

THE PRESIDENT: But 174 must mean something, mustn't it? The Defendant said Document 174.

DR. EXNER: C-174.

THE PRESIDENT: Very well.

MR. ROBERTS (British Prosecution): And it was put in by Mr. Elwyn Jones, in Document Book 3.

THE PRESIDENT: Yes.

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Q You say in your diary that the Fuehrer was looking for a reason, something which has already been mentioned here. What might that mean? You yourself must know.

A The Fuehrer said during the days when I wrote it, not into my diary but into my little note book, "Tocarry out such a decision, I require absolutely reliable information with which i can really justify it before the world, and, if necessary, prove it." I can not say that; I only heard that from Quisling. That is why he was particularly trying to get counter-intelligence at that time to supply him continually with information regarding all these movements and changes.

Q Grand Admiral Raeder has stated that there were facts that allowed one to draw conclusions about England's plans. Have you anything to add to that?

A Generally speaking, Grand Admiral Raeder has already testified about all we knew. There is, though, one more thing which I do remember, which is down in my little note book. It is that particular pressure was quite openly applied in the French press for cutting off Germany from Swedish ore supplies, and then there was the mine laying operation in the Norwegian territorial waters, and the case of the Altmark, which according to my investigation, was a flagrant breach of internation law regarding the righ ts and duties of neutral states in naval warfare. Article I and II.

DR. EXNER: Regarding the first two points which the witness has mentioned, I want to draw your attention to document 1809-PS, which is the diary, GB 88, page 53 of the first volume of my document book. On 10 March there is an entryin the diary about the negotiations of Finland and Russia:

"The news about the Finnish-Russian negotiations is very favorable, from a political point of view. The French press rages about it because they consider it necessary to cut Germany off from the Swedish ore."

Then the entry of 25 March:

"The English start to molest our merchantmen in the Danish and Norwegian territorial waters, or even fire at them."

BY DR. EXNER:

Q What was the cause of the decision for the attack?

A The final decision of the Fuehrer was made on 2 April. Two bits

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of information were the cause. First reports from the navy regarding the repeated shotsfired on merchant boats in Norwegian and Danish territorial waters. The second report came from Canaris, saying that in the Northern part of the British east coast, British troops and transport ships had been readied for transport operations.

Q What would have been the consequences for us if England had got there first?

A I can refer to Admiral Raeder's testimony in that connection, and I need add only that Norway in British hands would have meant that half of the war would have been lost fo us. Strategically, we would have been surrounded in the North, and we would have been incapable, because of our small fleet, of ever putting that right again.

Q Was there definite proof later on that the British plan existed?

A We captured the entire files of the British brigade which landed in Namsos and elsewhere, and we surprisingly captured the British war correspondent Rommilly. He expected everything there except German ships. Otherwise, he would have been able to escape being taken prisoner, To the question of what he was doing trying to report about a war in peaceful Narvik, he could not give us any information at all. Later on we captured all the files of the French General Staff. which have been in part presented by Admiral Raeder's Defense Counsel.

But very interesting to me and most instructive were the diaries which the British officers and NCO's whom we captured in Norway were carrying on them. They proved at least one thing. That was that all these troops had already been shipped and, at the moment when our German fleet was advancing towards Norway, had been put back ashore.

DR. EXNER: In this connection, I want to refer to two entries in the diary, page 54, first volume of my document book, the entry of 24 and 26 June--I beg your pardon--26 April. There it says:

"Major Soltman reports about the interrogation of the Englishmen, and delivers additional important documents, among them the secret chain of command. At noon, the first prisoners arrived in Berlin. They are being interrogated in the Alexander Barracks and confirm the authenticity of the orders. All material is handed over to the Foreign Office."

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I then draw your attention to Soltman's interrogatory, which is document AJ, Number 4, which I now present. It is on page 173 of the second volume, but I need not read it. I merely draw your attention to Soltman's answers to questions(4) and (5).

BY DR. EXNER:

Q Now, one last question about the Norwegian affair. The Prosecutor has stated that honor of the soldiers who were attacking Norway was in doubt.

A With that, the Prosecution has touched upon amerely operational problem. They have put it on the level of soldierly or manly honor. Up to now, that has not been the custom in this world, I can only say that I have neither attacked in Norway nor have I used lies or excuses, but I have used all my strength to contribute to the successful outcome of that operation, which I considered absolutely necessary in order to anticipate a similar British action.

If one day the seals of the archives are removed, then the truth of my contention will become clear, but, even if I have been wrong, then the honesty of my own subjective opinion of that time cannot be changed in any say.

Q We are now talking about the war in the West. After the Polish campaign, were operational plans for an attack in the West in existence?

A To begin with, there were no plans for an attack in the West. On the contrary, there was a wide-spread opinion, particularly in the army, that the war would die down on its own, if only we kept quiet in the West. That went so far that the C. in C. of the army even moved mobile infantry divisions and made them into fortress divisions; that is to say, he took away from them all their means of mobility.

Q Did you learn during the Polish campaign about the Fuehrer's intentions as far as the Western Countries were concerned?

A During the Polish campaign, the Fuehrer himself had his doubts. He could not find a plausible explanation about the complete lack of action on the part of the British and Fre nch forces stationed in France. It was only by means of their war reports that they were conducting a sort of sham war, whereas in reality not a single shot was being fired at the front.

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Toward the end of September, however, the Fuehrer became clear, if I remember rightly, that once England had got into a war, she would fight such a war to the bitter end.

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Q. As a General Staff man, you must be able to answer the following question: Speaking purely strategically, could we behave purely defensively as far as the western powers were concerned?

A. I will be very brief because such problems are not directly connected with this trial. I only want to say that it would have been the greatest strategic error because our superiority of that time would diminish proportionately with the hesitation of using attack. Britain was currectly bringing further divisions to France, and the same applied to the French who brought them from their colonies. I believe I need say no more about that.

I draw your attention to Document C-62, Exhibit GB-106, in the first volume of my document book, on page 56, but I need not read from it again. This contains directives for warfare, and again, these are the basic thoughts which we have just heard.

A. But there is one thing, I think, which I ought to add. The danger that we might not preserve our superiority for any length of time was being taken so seriously by the Fuehrer that he actually wanted to attack during winter, although every soldier who was available advised him against it.

Q. In that connection, I ought to draw your attention to our document in Volume 1, page 48-49, which is the Fuehrer's memorandum. That is Document L-52, USA-540. It contains a list of reasons.

Then, what was the reason for the attack on France, the violation of the neutrality of Holland, Luxembourg, and Belgium?

A. It wasn't an unimportant matter for the Fuehrer to create new enemies amounting to 400,000 or 500,000 men, which was the strength, of course, of the Dutch and Belgian forces.

We started the attack in the West with inferior forces. We had 110 divisions, and the enemy had approximately 135, and except for an emergency, no military commander would do that.

Q. But what were the reasons?

A. We were not in a position to break through the Maginot Line at its strongest points, which would then have remained, that is, the part between the

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Rhine and the Luxembourg border, or the Upper Rhine where the Vogesen mountains were added to it. The Maginot Line couldn't be penetrated at those points. We lacked heavy artillery for that. But that wouldn't be a moral reason; it would, in fact, be an immoral one.

The real danger was that during such a lengthy attack on fortifications, all the mobile British and French forces would go through Belgium and Holland and hit us from the rear. They were ready for just that task. It was the decisive factor for the Fuehrer, but we also, the military men, were under the definite impression from the reports which we were receiving that the Belgian and Dutch neutrality would finally be only a bogus one and a deceptive one.

Q. How did you arrive at that conclusion?

A. The reports individually are of no interest, but there was an endless flow of reports coming from Canaris. They were supplemented and confirmed through letters we received from the Duce. But the certain fact which was quite evident, something which I could see on the maps every day, was the nightly flights of the British Air Force, quite unconcerned by neutral Dutch and Belgian territory. That had to bring us to the conclusion that even if those two states wanted to -- and I think at the beginning they did want to -- they could not possibly remain permanently neutral.

Q. What danger would an Anglo-French occupation of Holland have meant to us?

A. Those dangers were quite clearly stated by the Fuehrer, firstly in his memorandum L-52, which has already been repeatedly quoted from. There, on page 48 of the document book, at the lower portion of the page, there is a reference to the tremendous importance of the Ruhr, of which, incidentally, there seems to be quite sufficient evidence even today.

In his speech before the Supreme Commanders on the 23rd of November 1939, Document 180-PS, USA-23, on page 59 of the document book, he says once more how tremendously that danger would be for the Ruhr.if, surprisingly, one day British and French forces would stand outside that territory. There he refers to it as the Achilles heel of Germany, and that it was indeed.

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Q. It says on page 59 of my document book:

"We have one Achilles heel, the Ruhr. The progress of the war depends on the possession of the Ruhr. If England and France push through Belgium and Holland into the Ruhr, we shall be in the greatest danger."

A. Of course, at that time I could not judge the absolute truth of the information we received from Canaris. I couldn't have sworn to it at that time, but the material we captured

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later -- and I draw your attention in this connection to the meeting of the War Council in London on the 17th of November 1939 -- generally speaking confirmed the correctness of these intelligence reports.

Q Presumably, you didn't have any reason at that time to doubt Canaris' honesty, did you?

A No, there wasn't the slightest cause at that time.

Q Whereas now, one has doubts about his honesty.

Now, the German attack was originally planned for November 1939, but then the Fuehrer postponed it again and again. I think there are 17 orders which postpone that attack again and again.

A It isn't quite correct that the Fuehrer had ordered the attack for the middle of November. He wanted to attack at the moment when the meteorologists would predict clear, frosty weather for about six or seven days. But the meteorologists let him down. Sometimes they thought they were expecting such a weather situation, and then all preparations for the attack were made. Then, they canceled their forecasts and contradicted them, and the final preparations for the attack would be discontinued.

That is how it happened that quite often we nearly started the attack, and then at the last moment refrained.

On one of those occasions, in accordance with the reports received from Canaris, a certain formation of the French Army had crossed the Belgian frontier at a certain point. Whether or not that is true, I cannot say.

Q You have been accused by the Prosecution of deceiving these countries and then falling upon them. What have you to say to that?

A The same thing applies as I have stated before. I was not a politician, nor was I the supreme commander of the armed forces militarily. I was under the impression -- the impression which I can prove -- that the neutrality of these two states was in fact not being respected any more. And as far as the code of honor of my actions is concerned, I must say that there was obedience, that is, the ethical basis of the soldier's life. Far be it from me to extend it without limits. As far as slave-like obedience is concerned, I think that the testimony which I have given up to now will leave no doubt as far as that is concerned. Nevertheless, you cannot get around

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the fact that particularly in such operational matters there is nothing else for the soldier but obedience.

If the Prosecution should be in a position today to indict German officers at all, then they only owe it to that ethical principle of obedience of their brave soldiers.

Q We now turn to the Balkans. In your diary, PS-1809, on the 19th of March you made an entry saying that the Balkans must and shall remain quiet. That is on page 61 of the first volume of my book, GB-88, PS-1809, the entry of the 19th of March:

"Fuehrer returns from the conference with the Duce beaming with joy and very much satisfied. Complete harmony.

"Balkans should and must remain quiet."

What does it mean?

A Professor, I shall have to correct you. This isn't my diary.

Q Well, I want to interpose a question. Your diary is always being talked about, your diaries. Will you explain just what we are concerned with. One is an actual diary, isn't it, and the other isn't?

A There is only one diary, and that is Document 1780, which is 1937-1938, a diary in which I used to make entries every evening.

Q Now, what is this diary, PS-1809?

A There isn't a diary of mine during the war at all, but of course I had dozens of little notebooks which I filled, and when such a notebook was full, then I would take important passages and underline them in red or make red marks in the margin, and later on my woman secretary would take them out and write them down because they were interesting for war historians and for the official diary of the Army Command Staff.

That, for instance, gives you Document PS-1809.

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Q Did you see it again?

A No, I no longer did. I no longer saw it. It fell into the hands of the Prosecution.

Q But then there is a third one which is also called your diary. That is the diary of the Army command staff.

THE PRESIDENT: You said it fell into the hands of the Prosecution. Do you mean it was not one of the documents that you handed over th the Prosecution?

THE WITNESS: No. I didn't know where these extracts from my notebook had got to and the Prosecution must have captured it somewhere. Everything else was part extracts from the official diary of theArmy command staff.

BY DR. EXNER:

Q Who made the entries in the official diary of the Army command staff? It wasn't you, was it?

A No. It was always done by a highly qualified expert whom I nominate

Q Did you check it?

A He was Professor Schramm of the University at Goettingen.

Q Did you check the entries made in that official diary, or didn't you?

A I didn't usually have time. I had General Scherf read through it and if he found anything in particular in it he would draw my attention to it.

Q I ask leave to clarify the situation. We now return to the question of the Balkans. In your so-called diary it says it must remain quiet. What do you mean by that, or what was meant by it?

A It was a brief note about the account given us by the Fuehrer, namely, that he was in perfect agreement with Mussolini regarding the fact that the Balkans must remain quiet.

Q Didn't we try really to keep the Balkan situation as quiet as possible

A Yes. That attempt was being made continuously, constantly. Our attitude toward Yugoslavia was so careful as to already assume it. That went as far as the fact that during the preparation of the Greek campaign the Fuehrer even refused application from the General Quartermaster of the Army that field trains, replacement trains, should be sent through Yugoslavia,

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something which from the point of view of international law would have been permissible. Furthermore, we visited our infouence on Bulgaria to the effect that she should not participate in the imminent war against Greece, particularly so as not to alarm Turkey. And even after the Italian free war the Fuehrer was hoping again and again that the conflict, the direct military conflict between Germany and Greece, might be avoided.

Q In that connection I refer to Instruction Number 18 which appears on page 66 of Volume I of the document book. It is an extract from PS 444, Exhibit GB 116. There in the last but one paragraph we find that the preparatory measures as exercised for the prosecution of the war were to be made along the following lines. It is in the last but one paragraph of that page. It says:

"It will not be possible to count on the railway leading through Yugoslavia for moving these forces into position."

Q What forced us to abandon that program?

A That program was set upside down through the independent action on the part of Italy, about which the Reich Marshal and the Grand Admiral have already spoken. I have really got to make one brief addition: As usual, the Italians were beat, and they were now sending calls for help -- they were sending the Chief of the Operational Command to come and see me. In spite of that emergency the Fuehrer did not interfere in the fight with Albania. He did not send a single German soldier there, even if there had been talk about it. All he did was to order for the following spring there should be an action on Bulgaria -- there should be preparations for an action from Bulgaria, in Greece. And even if that failed to serve thepurpose for the time being, to occupy the Saloniki Plain, by meansof which the pressure on the Italians would have been relieved. Only for the case, which of course was one we were afraid of, that through the insanity on Italy's part some British divisions might appear in the Balkans, only in that case was there a plan in the entire country of Greece where it was to be thought best, because we could not possibly allow a base or bases for the British airport to be established immediately next door to the Rumanian oil fields. This difference of opinion becomes particularly clear from the order which has been offered

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to the Tribunal under the number PS 1541, GB 117, and found on page 63 of the document book, and on page 64. Two passages from that I would like to quote. They are brief passages. First, on page 63, Figure 2, paragraph B. There it says:

"Operation Marita. My plan therefore is: After the setting in of favorable weather, probably in March, to send this task force for the occupation of the Aegean North coast by way of Bulgaria, andif necessary to occupy the entire Greek mainland."

Then I quote from page 64, figure 4, at paragraph A:

"The primary mission of the operation is the occupation of the Aegean coast, and by the Bay of Saloniki. It may be necessary to continue the attack across Larissa and the Isthmus of Corinth."

The orders providing for the actuality show quite clearly that the occupation of Greece was only intended for the case that the appearance of British troops would force us to do so, something which to that time had not yet occurred.

THE PRESIDENT: The Tribunal will adjourn.

(A recess was taken).

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BY DR. EXNER:

Q You said that we had the plan to leave Yugoslavia neutral. The Simovitsch Putsch, apparently, changed that. Why did this event change our policy toward Yugoslavia?

A This Putsch of officers interfereing in the legal government. imediately after Yugoslavia had joined the tripartite pact, had to be anti-German. We were about to begin the campaigns against all of Greece; English divisions had landdedthere in the meantime. This campaign could be waged only with a Yugoslavia that would be certain to remain neutral.

THE PRESIDENT: Dr. Exner, various other members of the defendants --defendants Goering and Keitel--have dealt with the political aspects of the entry of Germany into Yugoslavia. Unless there is anything new for this defendant to give evidence about, it seems to be entirely cumulative.

BY DR. EXNER:

Q Do you have anything new to say?

A Yes, I have something personal to add.

On this morning when the Fuehrer spontaneously ordered the immediate preparation for an attack on Yugoslavia, I suggested to him, or at least I mentiond, that we should first issue an ultimatum to clear up the political situation. He refused to do so; he said that would not do any good. Field Marshal Keitel has already confirmed this.

Q That was on the 27th?

A Yes. May I give some proof of this?

On the evening of the 27th the order was issued --

THE PRESIDENT: I don't think it is necessary if the defendant Keitel said it and you say it, and there is no cross-examination about it.

DR. EXNER: One thing seems important to me.

THE WITNESS: A document was submitted, PS-1746 GB-120, which is at page 70 of the document book.

BY DR. EXNER:

Q Page 71?

A Yes, the text is at page 71.

If the Court will look at this sentence on page 71, number 1, and compare it with the sentence on page 69 of the document book, there appears to be a difference. Page 69 contains the instructions signed by the Fuehrer, beginning with this

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sentence, which I shall quote;

"The military Putsch in Yugoslavia has altered the political situation in the Balkans. Yugoslavia must

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in spite of her protestations of layalty for the time being, be considered as an enemy and therefore be crushed as speedily as possible."

As the date shows, this was issued on the 27th of March, and this indicates that the whole matter was a surprise. I worked that whole night in the Reich Chancellery.

As is shown at page 71, on the 28th, at four in the morning, I gave General Rintelen -- the liaison officer with the Italian High Command -- this Aide Memoir, which I shall quote. Here I wrote:

"In the event that the political development requires an armed intervention against Yugoslavia, it is the German intention", and so on. I must admit that I ventured a little into the field of politics in this instance, but I thought if Germany did not clear up the political situation, Italy might do so.

Q. The next document is evidence of the suddenness of this decision. That appears on page 73 of the first volume. It is the instructions issued by the OKH on the basis of this order. It is R-95, GB-127. As I said, it is on page 73 of the first volume. "As a result of a change in the political situation", and so on. The last paragraph states: "For camouflaging purposes, the operation shall be called 'Action 25'."

What can we conclude from this?

A. The order was issued on the 30th of March.

Q. "The operation shall be called 'Action 25'."

A. It was issued three days after the Putsch, and not until that time was a name ordered for this action. This proves that it was not planned in the year 1937, as was stated here once.

Q. Now a last question on this subject of the Balkans.

Was Greek neutrality still maintained when, on the 24th of March, 1941, the attack of the German Air Force on the territory of Crete was permitted?

In this connection I refer to the order C-60, A-J 13, an order of the 24th of March, 1941. As I just stated, this order permitted air attacks on Crete. Now, what about Greek neutrality from the 24th of March, 1941?

A. It did not exist at that time from the point of view of international

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law. The English had, in the meantime, landed on Crete and on the Pyreus. We learned about that on the 5th of 6th of March. The order fulfills all the principles of international law.

I may add in conclusion, on the Yugoslav problem, that the assertion which is made here by the prosecution, that the plan to attack Yugoslavia originated in Jodl's office, has not been proved by anything and cannot be proved by anything.

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THE PRESIDENT: What was that document that you were referring to? The 24th of March, 1941? You said "360", which did not indicate anything to us

DR. EXNER: That is C-60, AJ-13.

THE PRESIDENT: Thank you. What page?

DR. EXNER: Page 76 of the first volume.

BY DR. EXNER:

Q Now we come to the question of the Soviet Union. How many troops did you have in the East during the campaign in the West?

A At first it was 10 divisions. In the course of the Russian campai they were reduced to six or five divisions.

Q Why did we send troops to the East after the West campaign?

A The report of the commander in chief in the East stated that with these weak forces he could not keep Poland quiet across the line of demarcatio

Q In your diary, 1890 PS, in the first volume of my document book, page 83, you write, on the 24th of May "Position in the East threatened by Russian advance against Bessarabia." That is on the 24th of May, 1940. You wrote that. Why did you do that?

A The occasion was a report from Canaris telling of the advance of 30 Russian divisions against Bessarabia. Whether the concern which I wrote down originated with me or was a part of the Fuehrer's attitude, I cannot say today

Q On the 6th of September, 1940, you signed an order stating that the regrouping should not give the impression of offensive preparations. How shoul we understand this?

A This order signed by me was issued during the first few months of the prpposed attack on Russia.

Q Just a minute, please, I want to tell the Court what page that is. It is Page 78 of the first volume, PS 1229, USA 130. It is an order signed by Jodl to the Foreign counter-intelligence: "It is in the Eastern territory that demands will be stronger in the weeks to come. By the end of October, the status indicated on the enclosed map will be reached."

And now I must unfortunately point out a mistake in the translation, in the next paragraph, which is important for the understanding of the docume It ways "For the work of our own intelligence service, as well as for the answers to the questions of the Russian intelligence service, the following

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directives apply."

THE PRESIDENT: It does not appear to be in our document. What paragraph are you reading?

DR. EXNER: It is the second paragraph in my document, page 78.

THE PRESIDENT: It has not been translated.

DR. EXNER: Yes. That is what I said. That is the point; that is why I am reading it slowly now.

THE PRESIDENT: You want it to be translated?

DR. EXNER: Yes.

THE PRESIDENT: You see, Paragraph 2 is not translated at all. There is nothing here.

DR. EXNER: These three lines were not translated at all, but they are very important.

THE PRESIDENT: Just read it through the ear-phones, then. Read the passage.

MR. ROBERTS: My Lord, the full document is in the British document book No. 7, page 102.

THE PRESIDENT: Thank you very much. Go on.

BY DR. EXNER:

Q "For the work of our own intelligence service, as well as for the answers to the questions of the Russian intelligence service, the following directives apply", and so forth.

A I issued such instructions as this through the Canaris office every six weeks. That was a basis for the work of the so-called counter-intelligence which I do not want to discuss in detail here.

In this case, I was interested in seeing to it that the weak forces which we had in the East at this time appear stronger. That can be seen from No. 3, for example, which says, "When it comes to the equipment situation of the units, especially of the armored divisions, things ought to be exaggerated, if necessary."

In the next number, I point out that other aircraft protection is to be exaggerated. All of this was done because at this time there was already concern that a Russian operation against Rumania might develop. In order to

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avoid this, these instructions were issued, which were intended only for the intelligence service.

If, on the 6th of September, I had known of any intention to attack Russia, I would have said exactly the opposite, for this order as I issued it would have indicated that I was acting in the interests of friends of Gisevius. I would have been informingthe Russians that we were ready to attack.

Q When did you hear for the first time of the Fuehrer's concern that Russia could be hostile to us?

A For the first time, on the 29th of July, 1940, at Berghof, near Berchtesgaden.

Q In what connection?

A The Fuehrer kept me back after the discussion of the situation, and said to me -- and this is a surprise to me -- that he was worried that before winter Russia might occupy more territory in Rumania, and thus the Rumanian oil territory, which was the "sine qua non" for all conduct of the war, would be taken away from us.

He asked me whether preparations for an attack could not be made immediately, so that we would be ready in the fall to meet such a Russian intention with strong forces. That is almost the exact words which he used. All other versions of the matter are false.

Q You have just mentioned Hitler's concern about the seizure of the Rumanian oilfields. Did the Fuehrer do anything on the basis of this concern?

A On the basis of this conversation which I have just mentioned, when I answered him that it was quite impossible and that it would take four months and that it could not be done immediately, the Fuehrer ordered that these conditions would have to be improved. Two orders were issued following this: One, I believe, is of the 9th of August. It was called "Building up the East, and included all these measures to improve deployment conditions.

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The second order was issued on the 27th of August. We do not have it here, but it was recorded in the War Diary of the Naval War Command.

DR. EXNER: That is Page 85 of the first volume of my document book. At the end of the page there is an entry: "Navay War Diary; displacement of ten divisions and two armored divisions to the Government General in view of possible necessity for prompt intervention for protection of Roumanian oil producing area." That is an excerpt from C 170, U.S.A. 136.

THE PRESIDENT: Dr. Exner, you seem to be reading from Page 85. Were y

DR. EXNER: Yes, Page 85 of the German. I don't know the page in the English book. "Displacement of ten divisions and two armored divisions to the Government General."

THE PRESIDENT: Yes, I see.

THE WITNESS: This entry is proof of what intention the Fuehrer had at that time with the strengthening of his forces in the East.

BY DR. EXNER:

Q When was the Fuehrer Order issued to prepare for attack?

A The first order to consider an aggressive operation at all was issued in writing by the Wehrmacht Operational Staff and submitted to the Fu on the 12th of November. That is Document Ps 64, and is already known to the Court.

DR. EXNER: Page 66 of the first volume of my document book.

THE WITNESS: This first written order, which is known to me, had to be preceded by oil instructions of the Fuehrer to the High Command of theArmy.

BY DR. EXNER:

Q That can be seen from the document itself, Page 66, Page 67. It reads: "Irrespective of the results of these discussions, all preparations for the East which have already been verbally ordered will be continued," showing that oil preparations had already been made previously.

A I am not in a position to say when these oil instructions were issued to the Army.

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Q In these statements of Hitler to you, was there ever any mention of things such as Lebensraum, extension of our food bases, as a basis for a war of conquest, and so forth?

A In my presence, the Fuehrer never gave even a hint of any other reason than a purely strategic one. For months, one can say, he repeatedly said: "There is no doubt any longer, England is hoping for this; otherwise she would have stopped the war. Secret agreements have doubtless already been made. Russian deployment is quite clearly recognizable. One day we will suddenly be strangled politically or attacked." One could speak about this for weeks. No other word was said to me except of such purely strategic reasons.

Q According to the reports which you received on the military situation how had things developed in the East after the Polish campaign?

A When we contacted the Russians for the first time in the Polish campaign the relationship was rather cool. Insight into the troops or equipment was carefully prevented. There were constantly unpleasant incident. The Russians shot at everything, Poles or German soldiers. There were wounded and dead, and the line of demarcation was crossed in many cases. The extremely strong forces which Russia used for the occupation of the Baltic states and Poland and Bessarabia we had not had from the first moment.

Q Did the reports which you received contain indications about military reinforcements for the Red Army?

A The reports which were submitted every few days, and on the basis of counter intelligence reports, the following picture was formed: In the summer of 1940 there were about a hundred Russian divisions along the border. In January, 1941 there were one hundred fifty divisions. They were given by number; they were reliable reports. In comparison with this strength, may I add that the English-American-French forces operating in France against Germany, to my knowledge, were never as strong as a hundred divisions.

Q Did Hitler attempt to clear up the political situation by diplomatic means?

A Yes, he attempted to do so through the talk with Molotov, which is well known, and I must say that I placed

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great hopes on this talk. The military situation for us soldiers was such that with a definitely neutral Russia in our rear which supplied us, we could not lose the war. An invasion such as took place on the 6th of June, '44, was completely out of the question. We had had all the forces available, which we used up and lost in this enormous struggle in Russia; and that our statesmen -- and in the last analysis, our commanders, too -- should give up such a situation -- it never occurred to me for a moment that that might happen. It is a fact that for months the Fuehrer struggled with himself about this decision. He was surely influenced by the many counter ideas which the Reichsmarshal the Commander in Chief of the Navy, and the Foreign Minister suggested.

Q. On the basis of the reports which you received, how did you see a further military development?

A. Fram January, '41 on, the Intelligence Service was activated. The divisions on our borders and on the Roumanian borders grew rapidly. On the 3rd of February, 1941, the Chief of the General Staff of the Army told the Fuehrer about the operations which he intended to carry out. He presented a map on the Russian deployment. This map included a hundred infantry regiments --

THE PRESIDENT: Do we need all these strategic details of plans made by the German generals?

DR. EXNER: I believe it is of great importance to ascertain what picture the General Staff had at that time. An enormous deployment of Russian troops --

THE PRESIDENT: He is telling us about February, 1941, the OKW had produced plans to show the deployment of German troops?

DR. EXNER: No, that was the plan which was developed --

THE PRESIDENT: I don't think it is necessary to go into such details as to tell us how many cavalry regiments they had there.

BY DR. EXNER:

Q. Please tell us, in generalk how the picture developed in February, 1941; how many divisions were deployed.

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A. There were 150 Russian divisions deployed against us in February

THE PRESIDENT: He said that already.

Q. And how many were there on our side?

A. I should like to say that at this same time our deployment had just begun, which General Halder reported at this time. And I should like to point out further that Document C-39, USA-138, page 92 of the first Document Book, shows the time-table for the deployment. On the first of June attack formations consisting of fourteen panzer divisions and twelve motorized infantry divisions were moved up and as the note shows -- on the extreme right they were moved up only from the 10th of June. I mention this so that one can't say the German intention to attack was recognizable as early as February 1941. It was not.

Q. The Prosecution emphasized especially that long before this a plan for the attack on Soviet Russia had been drawn up. Can you say anything about that?

A. I will point out in one sentence, for this deployment we have ten thousand trains, and if one could have used a hundred a day, it would have lasted a hundred days. But we never reached this figure. In other words, only from the technical point of view this deployment took four months.

Q. Did the Yugoslavian events have any influence on the decision of the Fuehrer?

A. They gave the last impetus. Until that time, the Fuehrer still had doubts. On the 1st of April, and not earlier, his decision was made to make the attack. On that date he ordered preparations for about the 22d of June. The order for the attack itself, the real start of the campaign, was issued only on the 17th of June, which is also proved by documents.

Q. Then in your opinion, the Fuehrer waged a protective war. Did later events prove this military necessity?

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A. It was doubtless purely a preventative war. What we learned afterwards was the certainty of an enormous Russian military preparation on our borders. I will dispense with details. But I can only say we succeeded in a tactical surprise on day and hour, but not a strategic surprise. Russia was fully prepared for war.

Q. As an example can you perhaps tell the Court the number of new air fields which had been built in the Russian-Polish area?

A. I recall that among the air fields in Eastern Poland there were about twenty, which was increased to about a hundred in the meantime.

Q. What under these conditions were the results of Russia's acting first -- briefly?

A. I don't want to go into the strategic basis, operation on the inner line. I will only state briefly that we were never strong enough to have been able to defend ourselves in the East. And events since 1942 have proved this. That may sound grotesque, but in order to occupy this front of over 2,000 kilometers, we needed at least 300 divisions, and we never had them. If we had waited until perhaps the simultaneous invasion and Russian attack, we would certainly have been lost. If the political premise is correct, then, that this attack was imminent, then from a military point of view the preventative attack was justified. The political situation was presented to us in this way, and as a result we based our military work on this premise.

Q. Now, a few questions in regard to Japan. What siginificance did instruction 24 of the 5th of March 1941, to attack in cooperation with Japan have? It has already been mentioned but it is not quite clear. That is page 94 of the first volume of our document book. It is Document C-75. Then Admiral Raeder as a witness has already said something about this directive. Can you add anything?

A. The document is quite important. First, I must make a confession: so far I have only been charged with having received

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this document, but it originated with me; I instigated it; my staff worked it out -- in ours and the group of the navy. As a result, I know this document better than anyone else. That is not an operational order. That concerns German officers.

Q. What does that mean?

A. That means that all German officers who officially or unofficially had to do with, came in contact with Japanese officers, were to be told exactly what the aims of the German policy was, to attack England in the Far East as well, and to keep America out of the war just by doing so.

Q. Under No.3 of the directive, "(a) the common aim is to defeat England as quickly as possible and thus keep the U.S.A. out of the war"--

A. Such an instruction was necessary so that thoughtless statements of German officers would be prevented, and Japanese Army and Navy officers could not use this for their political aims. For this reason, the Foreign Office received a copy, as is shown below in the distribution on page 96. That would never have happened in the case of an operational order. For that reason, the Fuehrer did not sign it.

Q. On page 96, at the top, the German war aims are stated:

"Furthermore, attacks on other systems of bases of the English sea power, on the American ones, can only when the entry of the U.S.A. into the war cannot be prevented, are appropriate to shake the system of power of the enemy there".

Again there is manifestation of the effort to prevent the entry of the United States into the war, and only if that is not possible to attack.

A. I may add that the purpose of this document was not to influence Japan. That would have been political action. It was only to give officers instructions as to what they should say in such a case.

Q. Then Admiral Raeder has already told us that naval orders issued to keep America out of the war. Have you anything to add?

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A. Only one point which the Grand Admiral did not mention. That is shown in Document C-119 and AJ-14, and can be found on page 98 of Document Book 1.

Q. Page 98 of the first volume. This is special orders on conduct during occupation of Denmark and Norway.--

A. Only the last sentence need be read.

Departure or take-off restrictions for all warships and ships engaged in foreign commerce flying the U.S. flag, as well as planes --

Q. And on page 98 the last sentence at the bottom speaks of a prohibition against departure of warships, merchant vessels and planes. Americans are to be excepted.

A. America was given a certain exception here for a long time in all war measures of the Naval War Command.

Q. Before the attack of Japan on America, did you have anything to do officially with Japanese officers?

A. No, not at all. No.

Q. Did you expect the attack on Pearl Harbor?

A. The attack was a complete surprise to me, and I felt it was a surprise to the Fuehrer too. He came in the middle of the night to my map-room in order to give this news to Field Marshal Keitel and to me. He was completely surprised.

Q. Now, there is a mistake in this letter that I should like you to clear up. It is page 81 in the first volume of our

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Document Book. There is a letter, PS-376, USA-161. That is a letter from one Falkenstein to you --

A No, to General von Waldau, in the Ferungstat.

Q It says, "The Fuehrer is at present occupied with the question of the occupation of the Atlantic Islands" -- was that interpreted to mean that these intentions of attacking America -- "with a view to prosecution of war against America at a later date." What was meant by that? How did you understand it?

A Of course, at this time considerations were made under way to occupy the Atlantic Islands which the Fuehrer always wanted to do.

Q For what purpose?

A As a certain basis of security, in case of American intervention. We had to consider these things, although the Navy as well as the Wehrmacht operational staff and the chief of the Wehrmacht strictly restricted this, we at least had to think about these things. And in this matter he says this General von Waldau, if something is said in the document, in the order, PS-444, the same thing that he writes here --

Q Did we have any interest in extending the war?

A I personally not. I can only say that the extension from the North Cape to Tobruk and from Brest to Rostof and the Don was greater thn I liked.

Q Did we have any interest in having Japan at war with America?

A No, we would much preferred a new strong ally without a new strong enemy.

Q How did Italy get into the war?

A I don't know what was done politically, but after thecollapse of France, Italy wanted to participate in this war. We tried to prevent it, we soldiers in the OKW. We succeeded only in delaying Italinn intervention four to six days. The Fuehrer could not refuse entirely, but felt that during the whole war Italy would be no aid but only a burden. That will be confirmed by future history of the war.

Q As to the crimes against peace, I should like to refer to the documents which Goering, Ribbentrop, Raeder, Doenitz submitted. I do not

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know whether such a reference is necessary. The last question: The Prosecution called this whole series of campaigns a long prepared, long agreed plan of conquest which you as a conspirator provoked and carried out. What do you have to say to that?

A. I believe that this picture which is historically completely distorted has already been essentially corrected by my testimony. The war against Poland broke out without my having had any part in its preparation. It developed into a world war, against all the hopes of the soldiers. For this war, everything had to be improvised. There was nothing but theplan of attack against Poland. There was not enough bombs; there was not enough ammunition. No soldier at that time thought Norway, Belgium, Holland, Yugoslavia, Greece, or Russia. There were no military agreements with Italy or with Japan. The presentation of the American Chief of Staff, General Marshall, I recognize as absolutely correct in almost all points.

DR. EXNER: And, Mr. President, I have no further questions.

THE PRESIDENT: Do any of the Defendant's Counsel wish to ask any questions?

BY DR. LATERNSER: (Counsel for the General Staff)

Q. Colonel General, as Chief of the Wehrmacht Operational Staff, you were for many years thefirst general staff officer ofthe Wehrmacht?

A. Yes.

Q. You were also in the course of your military activity for some time a teacher at the War Academy?

A. Not exactly at the War Academy, but at theGeneral Staff courses which preceded the War Academy, and which were at that time held at the seat of the various commanders' defense commands.

Q. Since our military leaders had come from the General Staff career course, I ask you to tell us briefly how these officers were trained at the War Academy. Please confine yourself to the following points: how much time was given to instruction on attack, to wars of aggression; the attitude toward international law and to politics --

THE PRESIDENT: The Tribunal thinks this question is completely irrelevant.

DR. LATERNSER: If the Court believes that this question is irrelevant, I will dispense with the answer.

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Q Do you know thepoints of view of the Prosecution that the military leaders formed a group with the aim of waging wars of aggression and to commit crimes against international law and the laws of humanity? Will you comment on this point, especially, and whether there was actually a group of high military leaders?

A I never understood the concept of this group and I never will understand it. It is just as if the passengers of a passenger ship were to meet on an ocean steamer; that must unit e them; they must follow the orders of the captain. This so-called group of high officers perhaps existed in the Kaiser's time, in absolute unity, but not entirely then, either. However, after the National Socialist revolution this group was divided in all aspects, politically and ideologically. The only thing that united them was soldiery and the necessary obedience.

THE PRESIDENT: Perhaps we had better adjourn at this time.

(The Tribunal adjourned until 1400 hours)

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AFTERNOON SESSION

(The hearing reconvened at 1400 hours, 5 June 1946).

BY DR. LATERNSER (Counsel for the General Staff and the OKW):

Q Before the occupation of Czechoslovakia on 10 August 1938, there was a meeting at the Berghof, a meeting between Hitler and military leaders. You were present at that meeting. Up to now that conference has not yet been discussed here, and I now want to ask you what was the subject of that conference.

A During that conference, the Fuehrer spoke to General Staff officers only and gave them a lecture that lasted for about two and a half hours. He spoke about the entire military and political situation. He went into detail, in particular, with reference to the Sudeten-German problem, about which he said that it would have to be solved under any circumstances. He described the various possibilities, and, particularly, he described clearly his intention, but also the confidence he had that he would be able to bring about that solution without France and England hindering him.

Q That was the subject of that conference?

A Yes, it was in the main.

Q Do you know for what reason the supreme commanders of the various armed forces were not there?

A I know it because the Chief Adjutant, Major Schmundt, informed of the subject of that conference, and he told me that it was the Fuehrer's intention to speak to the senior staff officers directly at a time when they would not be under the influence of their senior officers, their superiors, so that they would realize the critical attitude which the Supreme Commander sometimes had.

Q But then, after that conference, there was a certain critical attitude indeed on the part of those officers, was there not?

A I do not want to say that there was criticism, but one of the generals believed that he ought to draw the Fuehrer's attention to that one possibility that England and France might interfere after all if he did something against Czechoslovakia. That was

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General von Biedersheim.

Q Did Hitler later on employ the principle of excluding the highest military leaders from such conferences again?

A The Fuehrer did that quite often. I want to say that he even did it on principle. For instance, after our attempt to attack the bridgehead at Nutono, southeast of Rome, which had failed, he ordered the junior officers from that battle to come to the Fuehrer Headquarters. They were regimental commanders down to company commanders. For days, and without the presence of their superiors, he interrogated each one of them. He did the same thing very, very often with air force officers, whom he interrogated without the Supreme Commander of the air force being consulted.

Q Colonel General, you were present during most of the conferences about the situation. Could the Supreme Commanders present at the Fuehrer's headquarters take part in such conferences without difficulties?

A As long as during these situation discussions only such subjects were discussed as had already happened in the past, the Fuehrer was very generous regarding the participation, but as soon as something was discussed which was, shall we say, an intention, an operational intention, such as for instance the Russian attack in 1942, a Supreme Commander from the Western Front would not be allowed to take part, nor would it be possible the other way around, so that so far as his intentions were concerned, he would only invite such officers who had to be informed for official reasons.

Q In such cases, the so-called "Smallest Circle" would be consulted?

A That is right. In that case the Chief Adjutant announced on behalf of the Fuehrer that now a discussion among the "Smallest Circle" would take place in which only those would take part who were officially concerned.

Q During such situation discussions, were there often energetic representations on the part of the Supreme Commanders?

H0149-0043

Have you heard them, and when did you? Please limit yourself to the most important episodes of that type.

A I can only give you a very short answer to that question; otherwise, I would have to speak about it for an hour.

I can say that there was hardly such a thing as a report where the old, traditional conceptions regarding operations did not come into conflict with the revolutionary conceptions of the Fuehrer. Apart from certain operations during the first part of the war, I can quite well state that during every such report made by the Supreme Commanders, there was a clash of opinions. I could quote every Supreme Commander who has ever existed in that connection. I know of none to whom this would not apply.

Q Surely you knew all the Supreme Commanders yourself, did you not?

A The Supreme Commanders during the first half of the war I know up to and including Army Commanders. I knew all of those. During the second half of the war, there were army commanders in the East whom I did not know. They generally did not come from the General Staff but were career officers who came from amongst the men.

Q Colonel General, could, for instance, the commander of an army, without difficulties announce himself for a discussion with Hitler?

A The commander of an army could not. The commander of an army group would, first of all, have to ask the Commander in Chief of the army. When the Commander in Chief of the Army no longer existed, the Army Group Commanders then applied to the military adjutant's office, or they applied to the Chief of the General Staff of the Army for permission to be asked to report, but Army Commanders could not do that.

Q So that, if the Commander in Chief of an army had intentions to protest against some measure which he did not consider right, then he would have to go to the Commander of the Army Group,

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and then he in turn would have to go to the Supreme Commander of the Army, so that only through all the official channels could a protest be made to Hitler?

A Yes, that is perfectly correct.

H0149-0045

Q. What do you know about Himmler's attempt to bring about a hostile attitude on the part of Hitler against the generals, and I mean the group generals?

A. Perhaps I have already given you part of my answer to that. I complained that we were not in a position to warn the Fuehrer against military information and news which he heard from irresponsible sources. It was a current phenomenon that particularly from circles of the police there was an incessant flow of news through Himmler, news referring to the traditional, or, as they called it, the reactionary attitude of the higher military leaders, through which these severe orders of the Fuehrer regarding a brutal action were continuously brought about.

This was a continuous state of affairs, not regarding all the supreme commanders, but it was concentrated on certain of them.

Q. Colonel General, you still haven't quite answered my question. I asked you whether you knew anything about Himmler's attempt to make Hitler hostile, for reasons which I hope you will tell me.

A. Well, the consequence of what I have just described was a report made by Himmler, of course alone with Hitler, in which he would talk against certain senior commanders -- men of the army exclusively, of course -- and complain about them. We noticed that because the following day the Fuehrer would suddenly begin to speak against a particular commander without our knowing why; he would make him look bad.

Q. What was the relationship between the OKW and the OKH?

A. Before the war, and during the first part of the war, the relationship between the Supreme Command of the Armed Forces and the Supreme Command of the Army was burdened by considerable tension. The reason, however, was exclusively an internal military one, because through creating the OKW a group of general staff officers had arisen who were outside the jurisdiction of the Commander in Chief of the Army, and who were, I would say, in command of the General Staff of the Army and would give orders.

This type of organization was, of course, treated with a great deal of distrust by the General Staff of the Army. I ought to add, however, that

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H0149-0046

Field Marshal Keitel and other reasonable officers succeeded in removing this tension as the war went on.

Q. I think, General, that that is enough.

The military leaders are accused of having delayed the end of a hopeless war unnecessarily. What do you know about the efforts of Field Marshal von Runstedt and Rommel after the invasion had succeeded?

A. I remember a conference with these two commanding generals when the Fuehrer had flown to the headquarters north of Rouen together with me. That was about July 1944. During that conference, both Field Marshal von Runstedt and Rommel stated in an unmistakeable manner how serious the entire situation in France was; tremendous superiority, against which ground operations were powerless.

I remember quite exactly that Field Marshal Rommel asked the Fuehrer at the end, "My Fuehrer, how do you imagine the continuation of this war will go on?" The Fuehrer was rather angry about this remark, and he only answered shortly, "That is a question which it is none of your business to put. You will have to leave that to me."

Q. Did you read a letter which Field Marshal von Kluge wrote to Hitler shortly before he died?

A. I stood next to the Fuehrer when he received that letter. He opened it, read the letter, and then gave it to me. It said exactly the opposite of what I had expected.

Field Marshal von Kluge began his letter with tremendous recognition of the Fuehrer's personality, by describing how he had admired him and the energy with which he had held out during this war. He said that he was probably psychologically much closer to him than the Fuehrer could guess. He had still begun his task in the West full of confidence, but after the promised support of our own air force had not arrived, he had now found himself convinced that the situation was hopeless, and in the last hour of his life he could give him only one piece of good advice, and that was to make peace now.

That briefly, was the content of that letter.

Q. Colonel General, can you give further examples regarding the efforts of the senior military commanders to end the hopeless war?

A. No supreme commander could touch the political questions because the ending of a war isn't a military but a political decision. But indirectly I have to say that there wasn't an officer in a responsible position who would not tell the Fuehrer soberly, honestly, and openly what the military situation was and describe it as so hopeless as it turned out to be towards the end.

I, personally, too, have expressed this view of mine in writing, in a memorandum which I handed to the Fuehrer.

Q. I have a few questions regarding the various campaigns.

What was the attitude of the Supreme Command of the Army, particularly Field Marshal von Brauchitsch, regarding the Austrian campaign?

A. About the evening before the march into Austria, at 2 o'clock in the morning, I visited Field Marshal von Brauchitsch. I found him in a desolate mood. I didn't really see any reason for that, but apparently it was his conviction that this march into Austria might, under certain circumstances, develop into a military conflict either with Italy or with Czechoslovakia, or perhaps he was not alto gether very pleased politically speaking regarding this impending considerable increase of the South German element in the Reich. I don't know, but at any rate he was most depressed.

Q. What were the reasons for the tension which existed between Hitler on one side and the military leaders on the other after the Polish campaign?

A. That was a phase of a particularly serious conflict, because the Commander in Chief of the Army and many of the higher generals did have just that view to which I testified this morning, namely, that one ought to remain quiet in the West to end the war. Since this was again a political argument which they couldn't possibly use, the Commander in Chief of the Army brought a military argument before the Fuehrer at that time, and that argument was that considering the condition in which our Army was at the time, it would not be in a position to fight against an army like the French Army, strengthened by the British Army, and would not be able to attack.

That caused tremendous bitterness in the Fuehrer, which expressed itself in every speech and every lecture before the supreme commanders.

H0149 - 0048

The entire speech of November 23d, the entire memorandum which he wrote on the 10th of October, all arose and can only be explained from that conflict

Q The Prosecution as one of the reasons for the indictment of the groups have presented a number of affidavits. I should like to ask you to state your views in connection with affidavit Number 12, U.S.557, which originates from Walter Schellenberg. There on page 1 Schellenberg testifies that in the Frontal Zone the "Einsatzgruppen", the Action Groups, of the SD had been under the command of the Armies entirely. That is to say that tactically, factually and from the point of view of discipline, as he says in his affidavit. Is that true, Colonel General?

A It is only true to a very limited extent. At the beginning of my answer I am asked this sentence, namely, that the "Einsatzgruppe" with "Einsatzkommando" is something I didn't know until I came her to Nurnberg. I must say that quite openly, even if it is decided that I am to be called a "Parcival", but it is a fact, I only knew of the Secret Police in the operational territory that the Army was divided into three sectors. The Front territory was called the fighting zone, and that went as far, approximately, as the artillery of the enemy could fire. In that sector everything that would be there at all, every one, would in every way be under the jurisdiction of the Army. But in that sector there wasn't any police anywhere except the Secret Field Police, who were in any case fully under the jurisdiction of the Army.

Q The Secret Field Polist was only a part of the division, wasn't it?

A Yes, it was a divisional troop which was carrying out police work amongst the men. Then behind that came the rear area which came under the various Army commanders ("Befehlshaber"); and then behind that came further rear area in which all replacement columns would be, and all the organizations of the Quartermaster General of the Army.

In this main sector, that was of course by far the largest part of that main section which represented 97 per cent of the entire operational area. There the entire police did anything that did not belong to the Army organically; wasnot under the command of the Army tactically; with such of the police, for instance, as came under the Reichsfuehrer SS Himmler. And

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only from the standpoint of discipline or supplies or movements during advance or retreat did the Army of course have the jurisdiction to dispose of these troops regarding their movements and their accomodations and so on and so forth.

Q Schellenberg states that in the rear areas -- in the rear of the Army areas -- these Action Commanders and groups came under the R.S.H.A. as far as discipline and administration are concerned. Is that correct?

A That is correct. All those police regarding orders were only given orders by Himmler.

Q Schellenberg also states in his affidavit Number 12, U.S.A.557, that in this jurisdiction the question of discipline had also been dealt with. Is that true?

A That is wrong. Under no circumstances could an officer of the Army punish a member of the police or the SS.

Q As has been ascertained, it was the chief task of these action groups to carry out mass extermination of Jews and Communists. Schellenberg states in his affidavit Number 12 that he was convinced that the Army group and Army commanders had been clearly informed of these tasks through authoritative channels. Since Schellenberg is stating his conviction in this affidavit, I am asking you to give us yours, because I think I am right in assuming that you must be one of the most fully informed officers of the armed forces.

A I cannot of course judge exactly what happened in the practice in the living together at the front and what commanders might have had there and what they might not have had, but I can say with absolute certainty that I myself had never seen an order containing anything other than the fact that these police groups had been sent into the operational zone for the purpose of taking care of the order and acquiring from the police point of view what happened during the life of the commanders at their respective front territory. I have never seen a report nor an order which contained anything other than that.

Q Do you believe, Colonel General, that the Army or Army group commanders would have tolerated these conditions?

A I considered that that is out of the question because even in the case of much smaller episodes and events they raised the most violent protests.

H0149 - 0050

There are hundreds of documents which have been offered by the Prosecution which prove sentence by sentence how the troops at the front had objected against measures which they considered either impossible from a human point of view or dangerous for the peace and quiet in the occupied territories.

Q I remind you of Blaskowitz's memorandum, which was one of the first. Did you read that memorandum?

A No, I didn't read it. I only heard about it.

Q Furthermore, the Prosecution has submitted affidavit Number 13 from Major Wilhelm Scheidt. Its number is U.S.A. exhibit 558. Scheidt says in his affidavit, and I quote from page 1:

"It was the general fact that the partisan fights were conducted with cruelty on both sides."

Now I skip a sentence and he goes on to say:

"It is out of the question -- it is quite clear, rather -- that this fact must have been known to the senior officers in the Army Operational Staff and the General Staff of the Army. It was also known that it was Hitler's view that in the fight against partisans only the use of cruel, scaring-off punishment could be successful."

Is Scheidt's statement correct, namely, that the officers of the Army operational staff and the general staff of the Army must have had knowledge of this cruelty employed by both sides in the partisan fights?

A What we knew about the partisan fighting first of all, of course, is as it was conducted by the opponents. That is already before this Tribunal. I refer to the instructions which I have signed regarding the combating of partisans' bands in document R.S.665. There at the beginning you will find a lengthy discourse on how the partisans were conducting this war. Of course, we didn't invent that. That was the up-shot of hundreds of reports, that troops in such a fight being on their own personal impression of the methods employed by the opponent, would be also on their part not exactl mild. That is something which we can imagine.

In spite of that, the directives which were issued never contained a word that no prisoners were to be taken in these partisan fights. To the contrary. It was clear from all reports that the number of prisoners was by far larger

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than the number of dead; that it was the Fuehrer's view that our forces in their fight against the partisans should not in any way be limited. That is an authentic fact, and my and the general staff's arguments with the Fuehrer prove it.

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Q What if the commanders received information about cruelties committed by our own soldiers?

A Then there would be courts martials against them. And that, again, can be found in documents. I remind you of an order issued by the Fuehrer, which begins with the sentence: "It has been reported to me that individual soldiers of the armed forces have been dealt with by courts martials because of their behavior in the partisan fight."

Q And that was the only thing a supreme commander could do in a case like that?

A He had no other possibility. And after that order, too, he alwaysacted in accordance with his own legal conception. Who could stop him, anyway?

Q The prosecution have submitted affidavit number 15, by General Roettiger, which has the number USA-559. In this affidavit General Roettiger states, in the middle of page 1: "Only now, on the strength of documents put before me, do I realize that with the order for the most severe handling of bandit fights, from the highest source, the final aim may have been that the guerrila fighting of the army might have been utilized to achieve the relentless extermination of Jewry and other undesirable elements."

Did the supreme commanders of the Army have such a point of view, and did they have such a final aim?

A No. Of course, after church one is wiser than before. I too have learned many things today which I did not know before. However, this realization is quite misguided because there were next to no Jews amongst the partisans. In the main these partisans were fanatical, steel-hard Russian fighters, mostly White Russians. And, upon a question put by my defense counsel, even von dem Bach-Zelewski had to admit that there were next to no Jews amongst these partisan fighters.

As far as the extermination of the Slavs is concerned, I can only say that the Slavs who were killed in the partisan fights amounted to no more than one-twentieth or one-thirtieth part of the numbers who would fall in the normal, large-scale battles withthe Russian armies, and who would be lost, or dead or wounded. As far as figures are concerned, that carried no weight

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at all. Therefore that is quite a misguided view.

Q There is a further affidavit, number 60, by General Roettiger, which was used by the prosecution under the number USA-560. In the last sentence General Roetigger states the following, and I quote:

"Although one knew generally what the special tasks of those SD units were, and although this apparently happened with the knowledge of the supreme leaders of the armed forces, we fought against these methods as far as possible, since it meant endangering our own troops."

In other words, General Roettiger, in his affidavit, maintains that the special tasks of the SD units must have come about, apparently, with the knowledge of the General Command of the Armed Forces. If that is correct, then, you, Colonel-General, must have known about the tasks. You have already denied that earlier.

A Yes, I have already answered that question. I never talked to a single officer who had knowledge of these matters, or who might have told me that he did.

Q Also, during the case against the General Staff and the OKW, the prosecution has submitted affidavit 17, under the number USA-562. That affidavit comes from SS Commander Rode. Rode states, at the top of page 2:

"As proof, you can regard the OKW-OKH order, which stated that all members of bandit groups who had been captured, like Jews, agents, and political commissars, were to be handed to the SD by the troops for 'special treatment', without delay. Apart from that, that order contained instructions at the time that in guerrila fighting no prisoners, apart from the above-mentioned, were tobe taken."

Colonel-General, was there such an order that in guerrila fights no prisoners were to be taken?

A Such an order never existed; I have never seen such an order. It was not contained in the instructions regarding guerrila fighting. Apart from that, practically every word in that statement is untrue. An order of the OKW-OKH never existed, that is, one order which came from both sources.

"Jews amongst the bandits"--that I have already dealt with.

"Agents among the bandits"--agents are an entirely different matter.

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"Political commissars"--that is quite a different point.

They were never handed over to the SD for "special treatment", because the task of the SD was an entirely different one. They may have been handed over to the Security Police.

In other words, every word is wrong.

Q The same SS leader Rode ha s produced affidavit number 18, which the prosecution has used under the number USA-563. Rode states as follows in this affidavit.

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"As far as is known to me, the Einsatz groups of the SD were attached to the various army groups and fully under their jurisdiction. That is to say, both tactically as well as any other way. For that reason, the tasks and methods used by these units must have been known to the Supreme Commanders. They approved of the tasks and methods since, apparently, they never raised any objections to them".

Do you know SS leader Rodo?

A. No, I don't know him. I don't think it is necessary to say much about this, because General of the Police Schellenberg -- who led such an action group himself, and who really must know -- has stated quite clearly, on this witness stand, what his position was and from whom he received his orders.

Q. That wasn't the witness Schellenberg, that was Ohlendorf.

A. That is right; I meant Ohlendorf.

Q. Now a few questions on the Commissar order. Were you present when Hitler orally gave the Commissar order to the Supreme Commanders?

A. It was right at the beginning. He only spoke to the Supreme Commanders of the Army, or the Chiefs of the General Staff, about this Commissar order, and perhaps a few officers of the OKW. In his speech to the Commanders, on some later occasion, he referred to that instruction of his again, so far as I recollect. I believe that at that time, during that second conference, he used the words: "I cannot expect that my generals understand my orders, but I must demand that they obey them".

Q. Do you know any senior officers who resisted that order?

A. Later on someone told me -- and I don't know whether this is true -- that Field Marshal Rommel had burnt the order.

Q. Doesn't that recollection of yours refer to the Commando order?

A. Oh yes, of course, that was the Commando order. You are talking about the Commissar order, are you not?

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Q. Right.

A. I remember that there were continuous objections from the OKH, which, unfortunately, had to carry out this order. That extended over quite a period. Officers of the General Staff told me, confidentially, that on the whole it was hardly ever being carried out.

I know of an official application made to the Fuehrer, whereby this order was to be officially withdrawn. That was done, although I don't know when.

Q. Who made that application?

A. The OKH. Whether it was the Chief of the General Staff or the C in C, that is something I can't say.

Q. When was this application made?

A. I believe it was in the spring of 1942.

Q. Spring of 1942. And upon that application ---

A. This is something I know for certain; the order was withdrawn.

Q. Did you talk to any senior commander who approved of that order?

A. No. All officers to whom I spoke considered firstly, that that order should be turned down from the human point of view, and secondly, that it was wrong practically.

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Q When Hitler gave his reasons for that order orally, some of which you have already told us, Hitler is supposed to have mentioned further additional reasons for that order which I should like you to tell us so that that subject willbe brought out quite clearly.

A He gave a lengthy explanation, as always when he felt it necessary to convince somebody.

Q Did he state --

THE PRESIDENT (Interposing). Have not these reasons already been given?

DR. LATERNSER: As far as I aminformed, Mr. President, they have not yet been completely supplied.

BY DR. LATERNSER:

Q Did Hitler during that conference state --

THE PRESIDENT: (Interposing) One moment. Haven't you already given the reasons which you say Hitler gave for this order?

THE WITNESS: I cannot hear the translation. I am hearing the English.

THE PRESIDENT: Haven't you already given the reasons which Hitler gave for making this order?

THE WITNESS: I have not given some very important, principal reasons, which the Fuehrer drew our attention to.

THE PRESIDENT: Wait a minute.

Dr. Laternser, I have already had to ask you to be more brief on many an occasion inwhich you have examined witnesses, and really you have spent over an hour already on this High Command Staff. Every witness who comes to the box you take a very long time over, and the Tribunal thinks that a great deal of their time has been wasted by you. Now, this witness can give any further reasons, but I do not want any argument about it. He can give his explanation now.

THE WITNESS: I have only to add that the Fuehrer said on that occasion, "If you do not believe what I am telling you now, then you ought to read the reports from counter intelligence which we have regarding the behavior of the Russian Commissars in the occupied Baltic States. Then you will get a picture of what these Commissars will do."

That is al so quoted.

H0149-0058

BY DR. LATERNSER:

Q I want to question you about Document PS 884, a document submitted by the Russian prosecution on the 13th of December, and it is on page 151 of the second document book for Colonel General Jodl. Under "II" of that document, on page 153, there is the following statement:

"In opposition to this memorandum, Reichsleiter Rosenberg suggests . . . and I do not want to go on reading, because that is a suggestion.

Now, I want to ask you, what is the reason why that Paragraph II was included in that document?

A I can only make a guess, because I did not know it. But I have no doubt --

THE PRESIDENT (Interposing): We do not want his guesses, you know. If he can only guess, then he had better not guess. We want evidence, not guesses.

DR. LATERNSER: Yes, certainly, sir; but I assumed that the witness would have personal knowledge about that.

BY DR. LATERNSER:

Q Mr. Witness you said yesterday that the Commando Order of the 18th of October, 1942, had been changed by application of the Supreme Commander in the West. Who was that commander in the West who had applied for that alteration?

A General Field Marshal Rundstedt, and he applied to have the entire order withdrawn.

Q Do you know the order issued by General von Reichenau, which the Russian prosecution used on the 13th of February, as USSR 12? It is dated the 10th of October, 1941. Do you know the reasons for which this order was issued?

A Yes. Reichenau at that time was the commander of the 6th Army, and in his army sector was the town of Kiev. I have already described events in Kiev at the end of September, or began to describe them this morning. And that was the cause of that order.

Q How did the commander feel his officers should handle their courts martial? Very strictly, or not so strictly?

A The reason why I know this is that Dr. Leymann --

THE PRESIDENT (Interposing): That has nothing to do with the charge

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against the High Command. There is no charge against the High Command for having arranged courts martial or administering their courts martial improperly

DR. LATERNSER: Mr. President, may I offer an opinion at this point? If the senior officers and commanders had heard of any breaches of discipline or of --

THE PRESIDENT (Interposing): Do you know of anything in the indictment or anything in the evidence which chargesthe High Command or any member of the High Command with improper behavior at a court martial, or in connection with a court martial?

DR. LATERNSER: No. I merely want to discover the typical attitude of the supreme commanders.

BY DR. LATERNSER:

Q What do you know about the reasons --

THE PRESIDENT: I cannot hear you.

BY DR. LATERNSER:

Q What do you know about the mass deaths which occurred among Russian prisoners of war during the winter of 1941?

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A I am informed on this subject, because several adjutants of the Fuehrer were sent there personally, and they reported to the Fuehrer in my presence. We are mostly concerned with the mass deaths after the battle of Viasma. The reason for this number of deaths was described by the Fuehrer's adjutants, as horrors. The Russian armies, which were encircled, had put up fanatical resistance during the last eight or ten days without any food whatever. They literally lived off the bark of trees and roots because they had retreated to the most impenetrable wooded country; and now they were falling into our hands in a condition in which they could hardly move.

It was impossible to transport them away. In the transportation situation in which we found ourselves because of the many difficulties, it was impossible to take them away, and there was no accommodation on the spot. The majority of them could only be saved through careful hospital treatment.

The rain soon afterward started, and later on the cold, and that is the reason why such a large number of these prisoners died.

Those were the reports of the adjutants of the Fuehrer who had been sent to the front. Similar reports came from the quartermaster general of the army

Q What do you know about the artillery bombardment of Leningrad? You remember that a witness has been examined here on that point?

A I was present during two conferences which the Fuehrer personally had with the German artillery commander who was commanding the artillery outside Leningrad. He brought his target charts along, and there was the most careful system, which consisted in charting only the key sectors in Leningrad as targets, which it was necessary to fire at, so as to eliminate the resistance fire of the fortress. There were firms, in particular, who were still producing ammunition in Leningrad.

The ammunition for this heavy artillery, only a small portion of which could reach the center of Leningrad, was so short that one had to be most careful with the use of that ammunition. They were mostly captured guns from France, and we only had as much ammunition as we had captured.

Q You know that the witness has stated that in his opinion the artillery had deliberately fired on and destroyed castles in Leningrad, and you have seen the operational charts for this artillery?

H0149-0061

A Yes; I had it in my files in my briefcase for many weeks. Only the armament industry was on it. It would have been insane to shoot at anything else.

Q What do you know about Hitler's order and the order from the OKH regarding the retreat during the winter of 1941, stating that residences and chimneys were to be destroyed? What was the reason for that order being compiled?

I refer to the order R 130. Unfortunately I have not been able to ascertain on what day the prosecution presented that order. I shall ascertai it later and have the Tribunal informed.

A During that frightful winter battle, where there was up to 40 degrees of frost, the commander reported to the Fuehrer in his headquarters from the front that in this battle they were concerned with nothing that was not fit for warm shelter. Those who were not in the possession of some sort of heating arrangement -- that is to say, a village with useful stoves -- could not hold out, and they would not be able to fight the following day, either. In this case, it really was a fight for stoves; and if, in consequence, we were forced to retreat, the Fuehrer then ordered that these chimneys, or fireplaces, would have to be destroyed. Not only the houses, but also the fireplaces would have to be blown up, because that alone would prevent a pursuit through the Russian areas in such a critical situation.

Since, in accordance with the provisions of the Hague, every type of destruction is permissible which is inevitable from the military point of view, I believe that for this type of winter warfare -- and it only happened during the winter -- that order can be justified.

Q What do you know about the case of Katyn?

H0149-0062

Q What do you know about the case of Katyn.

A Regarding the finding of these mass graves, I received the first report through my propaganda department, which was informed through its propaganda company attached to an Army group. I heard that the Reich Police Criminal Department had been given the task of investigating that entire affair, and I then sent an officer from my propaganda department to the Katyn Woods at the time when these foreign experts were being shown the graves. He rendered a report to me which, in general, corresponds with the report which is contained in -- I think it was the White Book of the Foreign Office. Any doubt as to the facts as they were represented I have never heard from anyone.

Q You have also seen the film which the Russian prosecution had shown in this court room and which dealt with atrocities committed in the Jugoslav theater of war. Can you explain any of the pictures which you still might recollect?

A I believe that every picture shown in this court room is perfectly truthful as a picture. These were captured photograph But it has never been said what the photographs, as such, were showing. That did not become clear from the film. It did not become clear whether the dog that was mauling a human being was not photographed in an Army school --

THE PRESIDENT: That is mere argument.

BY DR. LATERNSER:

Q I was thinking of just a photograph which you might be able to clarify so that -- well, I remember one photograph where a police dog is jumping on a human being or a doll --

THE PRESIDENT: You asked him about these photographs and he says that they were all true, in his opinion, true pictures; and he didn't take them, he doesn't know anything about them and anything that he can say upon them appears to us to be argument.

DR. LATERNSER: I will withdraw that question.

BY DR. LATERNSER:

H0149-0063

Louvain wasn't defended at all.

A I have ascertained from the communique dated the 18th of May, that in that communique the sentence is contained: Louvain was taken after a serious fight, but that --

THE PRESIDENT: What was the place that you are asking about?

DR. LATERNSER: I asked the witness in what way Louvain was captured, whether it was cleared and then occupied or whether there was a fight about the place; and the witness has stated that there was not a fight for Louvain but that --

THE PRESIDENT: How did it affect the General Staff?

DR. LATERNSER: Well, in that case, Mr. President, I don't know who should be blamed for the event. I can't see any connection with any one of the individual defendants and if nobody can be blamed for it, we must cross off the whole event.

THE PRESIDENT: Is it one of the events which is charged in the indictment?

DR. LATERNSER: No, the indictment doesn't refer to .

THE PRESIDENT: Does the evidence deal with it?

DR. LATERNSER: It isn't dealt with, but in the way of evidence, a witness was called who has stated that German artillery had deliberately destroyed the University of Louvain, and I assumed that there must have been shooting of course. I am not certain, Mr. President, but I think it is Louvain.

THE WITNESS: I know that in the bulletin of the 18th of May, 1940, the sentence was contained that Louvain was captured after severe fighting. Even though the German Army communique did conceal some things, it certainly never stated deliberate untruth. I can say that because I was the editor.

BY DR. LATERNSER:

Q You have already spoken about the case of Oradur. I merely want to ask you, what did Field Marshal von Runstedt do because of this event when it was reported to him?

A Many weeks afterwards, I heard that an investigation

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had been started by Field Marshal von Runstedt and that there was correspondence about the case of Oradur between Field Marshal Keitel and the Armistice Commission and Field Marshal von Runstedt.

Q Did the Supreme Commander in the West begin court martial proceedings?

A That must have been the case, because I read a statement of an SS court in connection with this event.

Q You don't know the outcome of that trial?

A No, I am afraid I don't.

Q Then I come to the last question. How many conferences were there before the Ardennes offensive in December, 1944?

A About the Ardennes offensive there were four conferences.

Q Did you participate in all of them?

A I was present during them all.

Q Was there, on the occasion of one of those conferences, at any time, a demand for an order, or an order that during that offensive prisoners were to be shot?

A No, but I can tell you more than that. Never, during any one of those conferences, has a single word been mentioned which went beyond the purely operative considerations. There was no talk about the conduct of the troops.

Q Colonel General, would you have known if such an order -- let's assume -- had been issued by Field Marshal von Runstedt?

A Such an order is out of the question. It could never have been issued through the channels handled by soldiers. It could only have been issued through the police; that is to say, Himmler of the SS.

Q But then it would not have been under the jurisdiction of the Armed Forces units, surely?

A It is quite out of the question that a single senior officer of the Army would have accepted such an order, and I know of no order of the Fuehrer which would be directed against ordinary prisoners of war in such a way.

H0149-0065

Q The only reason I put that question is because again the witness Van Essen has stated in this court room that, in accordance with the treatment of prisoners of war, he had to draw conclusions on an order from higher sources. Do you know the Commando case?

THE PRESIDENT: I thought you had put your last question. You said that was your last question.

DR. LATERNSER: Mr. President, I shall be through in about five minutes. Will you please take into consideration that Colonel General Jodl is a member of the indicted group and that he is the officer who is most sufficiently informed and that an hour and a half for such an examination is not an excessive amount of time.

BY DR. LATERNSER:

Q Do you know the Commando episode in which the son of the British Field Marshal Alexander was a participant?

A Yes, I know the case.

Q Please tell us about it.

A I heard about this affair through a report -- I can' quite remember who it came from. I discussed it with Field Marsh Keitel and I expressed my view that because of that one couldn't start, or shouldn't start legal proceedings against a lieutenant just because he was wearing a German cap during such an action. Legal proceedings were in progress against him already. Then Field Marshal Keitel gave the order that the proceedings should b discontinued.

Q And were they discontinued?

A Yes, they were.

Q Well now, regarding the system of that group, what was the jurisdiction of the Deputy Chief of the Armed Forces Commando Staff?

A The Deputy Chief of the Armed Forces Commando Staff, shall we say, directed, in practice, General Staff work, all my staff, my entire staff, from which of course I was separated by

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certain distances, because I was in the so-called Circle No. 1 and my staff were in Circle No. 2; that is to say, outside; and this entire staff who worked within the immediate staff were directed by him, and, if necessary, he acted as my deputy of course.

Q The prosecution has stated that the Deputy Chief of the Armed Forces Commando Staff was responsible for strategic planning. Is that correct?

A No. I was responsible in the first place.

Q Does the significance of the position of this Deputy Chief of the Armed Forces Commando Staff correspond to the significance of the other positions which are comprised in the indicted group?

A No, it is far below that. He did not have the position of an Army Commander, for instance, nor the position of the Chief of the General Staff.

DR. LATERNSER: Thank you very much. I have no further questions.

THE PRESIDENT: The Tribunal will adjourn.

(A recess was taken.)

THE PRESIDENT: Does any other Defendant's Counsel want to ask any questio

BY DR. STAHMER (Counsel for Defendant Goering):

Q Were you present toward the end of March 1944 when Himmler reported to Hitler that about 80 English flying officers had escaped from a camp, Stalag 3, at Sagan?

A At the moment when Himmler reported this fact, I was not in the big hall of the Berghof. I was in the next room telphoning. When a very loud discussion developed, I went to the curtain temporarily to hear what was going on. I heard that there was a question of the escape of the English fliers from the Sagon camp.

Q Was Reichsmarshal Goering present at this discussion?

A The Reichsmarshal was not present at this discussion of the situation. I know that with absolute certainty.

Q In later talks with the Reichsmarshal, did you learn his opinion of the shooting of a part of the escaped officers?

A In talks with the Chief of the General Staff of the Luftwaffe, I learned that the Reichsmarshal was indignant at this shooting, and I know that this one particularly, the former officer came to the fore, who did not approve of such dealings. One must give him his due. There occured repeated arguments between him and the Fuehrer, which I witnessed personally.

DR, STAHMER: I have no more questions.

DR. BOEHM (Counsel for the SA.): With the permission of the Court, I will as the witness a few questions.

BY DR. BOEHM:

Q Witness, you were Chief of the Wehrmacht operational staff. The units at your disposal were known to you. The Prosecution asserts that you expected from the SA. that you could use it as a fighting troop in the first days of agressiv war on the basis of the So-called Kommando Troops. Now I should like to ask you if the term "Kommando Troops" is known to you in connection with the use of the SA. as such by the Wehrmacht.

A No, that is not known to me. The word "Kommando Troop" I heard for the fi time in connection with the undertaking of the English Ranger Battalion. We neve ussd this term.

Q Is it completely impossible that the SA was used as Kommando Troops behin

H0149 - 0067

the regular troops in the entry into Austria or in the occupation of the Sudetenland?

A I know of no case where formations of the SA. were used in the occupation of another country, with the exception of the Free Corps Henlein, but that, however, consisted primarily of Sudeten-German refugees. In the Free Corps Henlein there were a few SA leaders, i believe, who had formerly been officers.

Q Was the Feldherrnhalle Regiment used as an SA regiment or as a Wehrmacht regiment in the war?

A The Feldherrnhalle Regiment was definitely a Wehrmacht regiment. I should like to say that it embodied the traditions of the SA and it was recruited primarily from the SA. but it had nothing to do whatever with the Supreme SA Command It was completely a regiment of the Wehrmacht.

Q Do you know anything about the fact that in 25 troops schools and in three Reich Fuehrer Schools of the SA annually, 22,000 to 25,000 officers and non-commissioned officers were used as such in the Wehmacht?

A I know nothing about this, I consider it impossible that the Wehrmacht had its officers and non-commissioned officers trained by anyone else than by its own personnel.

Q Was it not, rather, that all the SA members were drafted into the Wehrmacht as ordinary soldiers and had to advance in the ordinary way as Wehrmacht soldiers

A The SA. Was drafted into the Wehrmacht like other Germans. I know of many cases where high SA leaders were given the very lowest positions as soldiers and as non-commissioned officers.

Q Then, the Prosecution asserts further that after 1934 not only 22,000 to 25,000 officers and non-commissioned officers were trained by the SA, but that 25,000 officers, empowered and not empowered, were trained by the SA. for the Wehrmacht. Do you know anything about this?

A What I said before about non-commissioned officers is true to an even greater extent of officers. The officers were trained only in the War Schools of the army, nowhere else.

Q The Prosecution asserts further--and I ask whether you know anything about this--that in the course of the totalization of the war effort, 80 per cent of the Leadership Corps were made available.

A I cannot give a binding answer to that. I do not know of that.

H0149-0068

Q And the Prosecution asserts further that the SA as a whole sent 70 per cent of its millions of members to the Wehrmacht. It may be possible that 70 per cent of the SA members fulfilled their military duty. I wanted to ask you whether these 70 per cent were taken from the SA as a whole or whether they were, rather, drafted in the general draft, to which the able-bodied male population was subject?

A In the course of our replacement system, the SA played no role whatever. As a German citizen subject to military duty, a man was drafted, like anyone else. Whether or not he had been in the SA previously played no role whatsoever.

Q Did the Wehrmacht ever take SA Intelligence Stuerme or Cavalry Stuerme or Medical Stuerme, and use them for action within or without a division of the Wehrmacht?

A I personally know of no case wherein any SA. formation appeared in the wa outside of Germany.

Q Did the Chief of the Wehrmacht operational staff have a liaison man with the SA?

A No. From time to time, and officer came from the Supreme SA Command, and he generally inquired as to the fate and well-being of the Feldherrnhalle regiment, which had come primarily from the SA, and later, about a Panzer formation which continued the tradition of the SA.

Q The Prosecution has submitted a newspaper which indicates that on the occasion of the inspection of SA members, Field Marshal Brauchitsch was present They want to show the close connection between the SA and the Wehrmacht. Can you explain this photograph?

H0149 - 0069

H0149 - 0070

A I believe that in this case Field Marshal von Brauchitsch, accompanied the Chief of Staff Lutze when he inspected an SA unit, and that on that occasion he was accompanied by Field Marshal von Brauchitsch because, as I have already said, after the Roehm Putsch we had no more cases of conflict with the SA. At the outbreak of war, all this equipment was placed at the disposal of the Wehrmacht. I remember that especially clearly.

Q Would this visit of Field Marshal Brauchitsch, his presence at this inspection of SA members, be an official activity of the Field Marshal?

A No, in my opinion that was a matter of courtesy.

Q From the point of view of conspiracy, which is here mentioned in connection withthe SA, do you know whether it was always the task of the SA, especially in the years 1933 to 1939, to prepare Germany, and especially the youth, for a war of aggression? Do you know whether the SA, especially in regard to youth, created war spirit and expanded it and maintained it? Do you know anything in this connection from personal observation?

A I do not know about that. That the SA, as a branch of the Party, endeavored to create the patriotic spirit within its ranks, to carry on physical training, is a matter of course. As to preparing for wars of aggression, no one prepared for wars of aggression.

Q But that was asserted here in regard to the SA. You are of the opinion that it is not true?

A I have no reason to think so.

DR. BOEHM: I have no more questions.

DR. HORN: Dr. Horn for the defendant von Ribbentrop.

BY DR. HORN:

Q Colonel General, regarding the order for the attack on Poland of the 26th of August, 1939, is it true that on the 25th of August the lifting of this order to advance was done at the urging of Ribbentrop, because, according to the information available to the Foreign Office, England had ratified the treaty concluded with Poland on the 6th of April, 1939, and Ribbentrop said that the advance of German troops would mean war with England.

H0149 - 0071

A I do not know quite as much as you have asked, but I do know something about it. On the 25th we were quite surprised to receive the order that the attack of the 26th would not take place, and I called up Major Schmundt -- Field Marshal Keitel was not there -- and asked him what was the matter. He told me that theReich Foreign Minister had reported to the Fuehrer that England had concluded a treaty with Poland, and for that reason he would expect English intervention in the war with Poland. For this reason, the Fuehrer withdrew the order for attack. That is what I learned at that time.

Q In the spring of 1941, after the Simowitch Putsch, a conference of the Fuehrer with the commanders of the Wehrmacht took place, to which, later, the defendant von Ribbentrop was called.

Is it true that von Ribbentrop at this conference represented the point of view that before military action was taken, an attempt should be made by diplomatic means to iron out the differences with Yugoslavia, and how did Hitler react to the suggestion?

A I recall this incident especially well, because about one hour before I had said the same thing to theFuehrer, that we should clear up the situation with an ultimatum. An hour later, without knowing about this, the Reich Foreign Minister made the same remark and he did not do as well as I did. The Fuehrer said, "What is your view of it. The Yugoslavs lie. They say they have no warlike intentions, and when we have marched into Greece they will attack us from therear." I recall that statement very exactly.

Q Is it true that the Foreign Office, from the outbreak of the Russi war, was completely eliminated from eastern questions, and that Ribbentrop complained personally and through his liaison man, Ambassador Ritter, without success in his suggestions to the Fuehrer?

A I know that Ambassador Ritter, who came to see me very often, repeatedly complained in private talks that so much of the work had been taken away from theForeign Office, and I must assume that that was not only the opinion of Ambassador Ritter, but also the opinion of the whole Foreign Offi and also of the Foreign Minister.

Q In your testimony you have already mentioned the fact that the Wehrmacht was against Hitler's intention to denounce theGeneva Convention.

H0149 - 0072

Do you know that Ribbentrop also energetically opposed Hitler's intention, and that after the original rejection of the objections of theWehrmacht, Ribbentrop succeeded in inducing Hitler to give up his intention?

A In this form, I cannot confirm it fully. I know only one thing for certain. The Foreign Office informed me in writing of an unfavorable attitude toward the suggestion or thought of

H0149 - 0073

the Fuehrer. That was proof to me that of course the Reich Foreign Minister had this point of view. I reported this unfavorable attitude of the Foreign office together with the unfavorable attitude of the Army, Navy and Luftwaffe, in a short report and submitted it to the Fuehrer. To what extent the Reich Foreign minister spoke to the Fuehrer personally about the matter, I cannot say with certainty.

Q Is it true that von Ribbentrop objected to the fettering of English prisoners as reprisal against the fettering of German prisoners, and in agreement with the OKW induced Hitler to discontinue this measure?

A That istrue. The Foreign Office repeatedly spoke to the Fuehrer and urged the Fuehrer to recall the order concerning the fettering of Canadian prisoners, and it must be assumed that these many objections, which were supported by the OKW, finally succeeded in having the order recalled.

Q In the session of Tuesday afternoon, you discussed the question of terror fliers. In this connection you stated that you wanted to prevent a decision. The Prosecution submitted two documents on this question, one the recors of an ostensible talk between Ribbentrop, Goering, and Himmler, the other a statement by Ambassador Ritter who has already been mentioned.

I would like to know whether you know anything about Ribbentrop's attitude on the treatment of terror fliers, especially whether Ribbentrop was in favor of treatment according to the Geneva Convention, and whether he considered deviating from this convention possible only under military necessity and only under express indication that deviating from the Geneva Convention would first have to be reported to the protective powers?

THE PRESIDENT: Can't you put that question more shortly; what does he know about it?

Q Is it true that von Ribbentrop, on the question of terror fliers, just like the Wehrmacht, was against deviation from the Geneva Convention, and that he spoke to Hitler to this effect?

A I can say about this that from talks with Ambassador Ritter again, I learned that the Reich Foreign Minister advocated official procedure, that is, official notice that we could no longer consider certain terror acts as belonging to regular warfare. That was the original point of view of the Foreign Office.

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H0149-0075

At that time I emphasized that the Fuehrer would probably not be interested, after what I had concluded from his oral instructions. However, this suggestion of the Reich Foreign Minister was never put into effect, or at least I never heard anything about it.

Q Do you know anything of a peace feeler by English officers on behalf of General Alexander, backed up by the English Government, in 1943? Do you know anything about that?

A I know exactly that at that time, in Athens, an Englishman -- I believe it was an English Captain -- established contact with us. This captain said that he came from English headquarters in the Southeastern Area. I was present when the Reich Foreign Minister reported to the Fuehrer about this matter. I know he suggested that this contact should be tried to see whether it resulted in anything. That was done, the Fuehrer agreed, but I heard nothing more about the matter so apparently nothing came of it.

Q Do you know anything about further peace attempts of Ribbentrop, especially after the Polish campaign and after Dunkirk, in 1943?

A I only know of the attempts and intentions after the Western campaign. At that time the Fuehrer spoke quite openly and frankly with everyone. I heard that the Reich Foreign Minister and the Fuehrer agreed that peace could be concluded with England at any time only if part of our old colonies were given back to us.

Q Is it true that the defendant von Ribbentrop suggested to Hitler that Hungarian Jews, to the extent that they wished, should be permitted to emigrate?

A I recall that too. At the Berghof, shortly after the occupation of Hungary by our troops, at about the beginning of May, 1944, there was a conference held, or a talk, where a decision was to be reached. The Fuehrer wanted to hear views as to whether the Hungarian Army should be dissolved, or whether it should be left as it was. At the end of this discussion, which was of a purely military nature, the Reich Foreign Minister said to the Fuehrer: "Can't we send all the Hungarian Jews by ship to some neutral country?" The Fuehrer answered: "How can you imagine that? Do you think that is possible? No one would take them. Besides, it is technically

H0149-0076

impossible."

That is my recollection of this talk.

Q Yesterday you spoke of the expulsion of the Danish Jews, and you said that this expulsion took place at the order of Himmler.

There is an affidavit by a Colonel Mildner, which has been submitted here, which asserts that this expulsion took place at the order of the Reich Foreign Minister. Is that statement true?

A Before this Himmler-Fuehrer conference, which gave rise to the occasion of my teletype message to the Wehrmacht Commander in Denmark, I never heard a word that Jews were to be deported from Denmark, and I never heard that the Foreign Office had any part in that.

Q Did you ever hear anything about the basic attitude of the defendant von Ribbentrop on the Jewish question?

A Aside from this suggestion about the Hungarian Jews, I do not recall any talk of the Reich Foreign Minister at which I was present and in which there was any mention of Jews.

DR. HORN: Thank you; I have no further questions.

BY DR. KRAUS (counsel for defendant Schacht):

Q Did I understand you correctly, Colonel-General, that you testified yesterday that in the year 1935 it was decided to set up 36 divisions?

A That is true.

H0149-0077

Q I am interested in this, How many divisions were there ready on the 1st April, 1938? I am interested in this date because on that day the financial aid of the Reichsbank stopped. Can you tell me how many divisions were ready on the 1st April, 1938?

A At that time there were about 27 or 28 divisions really ready as regards personnel and material.

Q Can you tell me how they were made up?

A I can't say with certainty.

Q Approximately.

A I know one thing, one Panzer division was ready at that time, one cavalry division, one mountain division and the rest were probably infantry divisions. The other Panzer divisions were not yet equiped, and they existed only as skeleton formations.

Q I would like to know how far this armament situation changed from 27 divisions by the outbreak of the war, the 1st September, 1939.

A From the fall of 1938 on, the picture became much more favorable, because the preparations in the armament industry were now having their effect, and equipment was being amply delivered for the divisions. Also, fromfrom this time on the trained age groups were coming to the army in noticeable numbers. Therefore we were in a position, in the late fall of 1938, with approximately 55 divisions, including research divisions, even though they may have been, in part, only weakly equipped. In 1939, as I said before, according to my recollection, there between 73 and 75 divisions.

Q Then the number of divisions set after March or April of 1938, after President Schacht left the Reichsbank, increased by 200 percent in one year and five or six months, whereas, to set up 27 divisions, over three years were needed.

A That is true, with the reservation that these 55 divisions, or these 75, rather, also had considerable gaps in their equipment. The slight number which I mentioned from the spring, or the 1st of April, 1938 -- and from that time on armament went much faster -- arises from the very nature of things.

DR. KRAUS: I have no further questions.

BY DR. KAUFMANN (counsel for defendant Kaltenbrunner);

H0149-0078

Q Witness, you testified yesterday that the Intelligence Service, during Kaltenbrunner's time, was better organized than afterwards. Please tell me, what position did Kaltenbrunner hold during your time in the OKW?

A I met Kaltenbrunner --

THE PRESIDENT: Just a moment. Dr.Kaufmann, you have asked a general question. We have had all of Kaltenbrunner's positions given to us more than once. What is it you want to know?

DR. KAUFMANN: Mr. President, Kaltenbrunner testified only that his Intelligence Service was connected with the Military Intelligence Service quite generally. This witness can tell us what the significance was, or what influence on the whole policy this connection of the Military Intelligence Service had with the other Intelligence Service.

THE PRESIDENT: I didn't understand you to ask him anything about the Intelligence Service. You asked him a quite general question about what relations he had had with the OKW during the time that the defendant was connected with the OKW, in perfectly general terms. It might have involved an answer which would take about an hour.

H0149 - 0079

DR. KAUFFMANN: Dr. Kauffmann, Counsel for Kaltenbrunner. May I state the question?

BY DR. KAUFFMANN:

Q Witness, you testified yesterday that in Kaltenbrunner's time the whole Intelligence Service was better organized than before that time, that is, under Canaris. Now, I ask you what position did Kaltenbrunner have within the intelligence service?

A Kaltenbrunner --

THE PRESIDENT: What is the particular question that you want to ask? The Tribunal does not think that you ought to ask general questions of this nature. If you have got anything particular that you want to know about, you can ask it.

BY DR. KAUFFMANN:

Q What was the activity of Kaltenbrunner during the discussions of the situation which took place daily?

THE PRESIDENT: Dr. Kauffmann, it is scarcely possible to imagine any more general question than that with reference to Kaltenbrunner, what was his activity over anumberof years.

DR. KAUFFMANN: I said during the daily military conferences what did Kaltenbrunner do, what did he say, did he report, what did his reports consist of? That is, in my opinion, a concrete question.

THE PRESIDENT: At what time are you asking about?

DR. KAUFFMANN: I am asking about the time after his appointment as Chief of theReich Security Main Office, the time from 1943 on.

THE PRESIDENT: You can ask him with reference to particular conferences, certainly. Why not ask him with reference to particular conferences, if you know of any?

DR. KAUFFMANN: That was my intention.

BY DR. KAUFFMANN:

Q Witness, do you understand what the question is? Will you please tell me?

A As I recall, until the spring of 1945 when my quarters were finally moved to the Reichchancellory in Berlin, Kaltenbrunner did not take part at all in a discussion of the situation. I cannot recall ever seeing him at a discussion in the Fuehrer's quarters.

H0149 - 0080

Q Excuse me, didyou mean 1944 or 1945?

A 1945. And from the spring of 1945 on when Kaltenbrunner was frequently in the Reichchancellory, I met him there. Before this time he was at the Fuehrer's headquarters from time to time and talked to me there, especially about taking over the Canaris Intelligence Service, but he was not present at the situation conferences with the Fuehrer.

Q Did he witness military situation reports?

A Before he took over the Canaris intelligence service -- he took it over on the 1st of May 1944 -- before he took over the intelligence service I observed from time to time very good reports fromthe Southeastern area, and through these reports my attention was called to his experience in intelligence service. When he had taken over the intelligence service against my opposition at first -- but after I had talked to him he was even supported by me -- but I had the impression that the man knew his business. Of course, I constantly received reports from Kaltenbrunner as I previously had from Canaris,; not only the daily reports but from time to time he sent, I might say, a political survey, on the basis of the individual agent's reports.

These comprehensive situation reports, the political situation abroad, attracted my attention especially because they displayed an openness and soberness and seriousness of our whole military situation which had not been noticeable in Canaris' reports.

Q Witness, you testified yesterday that Hitler after the military situation conference had been ended, every day, was surrounded by his confidants and by his political men. Was Kaltenbrunner in this circle of confidential agents?

A I never saw or heard of Kaltenbrunner being in this private circle of the Fuehrer. What Isaw was purely official attitude.

DR. KAUFFMANN: I have no more questions.

DR. KRANZBUEHLER: Counsel for Grand Admiral Doenitz.

BY DR. KRANZBUEHLER:

Q Colonel General, from the reports of Grand Admiral Doenitz, in the spring of 1945 he called on the Navy to fight on. Did you yourself as a responsible military adviser, did you advise the Fuehrer at that time to capitulate?

H0149-0081

A I did not advise him to capitulate at that time. That was completely out of the question. No soldier would have done that. That would have had no value.

Q Not even after the failure of the Ardennes offensive in 1945?

A Not even after the failure of the Ardennes offensive. The Fuehrer realized the situation as a whole as well as we did and probably much sooner than we did. We did not need to say anything to him in this connection.

Q What reasons were against it?

A In the winter of 1945 there were many reasons against it; aside from the fact that the question of capitulation or giving up resistance concerns only the Supreme Commander, the reasons against it were, primarily, that we had no doubt that there could only be unconditional surrender, for the other countries left us no doubt on that score; and if we had had any doubt as to what faced us, it was completely removed by the fact that we captured the English "Eclipse" -- the gentlemen of the English delegation will know what that is. It was exact instructions on what the occupation corps was to do in Germany after capitulation.

Now, unconditional surrender demanded stopping the fronts where they were, and with front capture by the enemy facing them. The same thing happened to occur in the winter of 1941 at Viasma. Millions of villagers suddenly left the camp in the winter in the open field. That would have taken an enormous harvest. Above all, approximately 3½ million still on the eastern front would have fallen absolutely into the hands of the eastern enemy. It was our endeavor to save as many people as possible by taking tthem into the western area. That could be done only if the two fronts had moved closer together.

That was the purely military consideration which we had in thelast stages of the war.

I believe that in later years there will be more to say about this than I can say today -- than I want to say today.

DR. NELTE: Dr. Nelte, Counsel for Keitel.

BY DR. NELTE:

Q Colonel General, since when have you known Field Marshall Keitel?

A At the least since 1932 when he was chief of the organizational

H0149 - 0082

section of the Army.

Q And since this time with exception of your period in Vienna you always worked with him?

- A There was a time when Field Marshal Keitel was not in the War Ministry but at the front. I believe that was in '34 and '35 when he disappeared from my view too; but otherwise, all the time.

H0149-0083

Q. Was this work with him only official, or was your relationship also personal?

A. In the course of years, as a result of our common suffering, this relationship became very personal.

Q. The prosecution has characterized Field Marshal Keitel as one of the most powerful men of the Wehrmacht. It charges him that in this position he influenced Hitler. Other circles represented here called Keitel weak, and accused him of not being in a position to exert his influence.

I will not ask any questions which have previously been asked and answered, but there are questions which have answered in different ways, and only a person like you can answer them, a person who worked with the field marshal over a decade. Therefore, please tell me briefly the official relationship between Keitel and Hitler.

A. The official relationship between the Fuehrer and Field Marshal Keitel was, on a somewhat different lever, exactly the same as between the Fuehrer and me. It was a purely official one, and particularly in the first period, it was characterized just as in the case of all other higher officers by constant clashes between the revolutionary and a Prussian officer bound by tradition.

Q. It was the case, then, that clashes, as a result of differing opinions, were the order of the day?

A. They were the order of the day, and in effect led to extremely unpleasant scenes, such scenes that one had to be ashamed as a higher officer in the presence of young adjutants to listen to anything like that. The entry in my diary proved that on the 19th of April, for example, 1940, Field Marshal Keitel threw his portfolio on the table and left the room. That was a fact.

Q. May I ask what the reason was?

THE PRESIDENT: No. Dr. Nelte, if you want him to confirm the evidence which the defendant Keitel has given, why don't you ask him whether he confirms it?

DR. NELTE: These are questions, Mr. President, which I have not submitted to Field Marshal Keitel. My line of questioning was necessary because --

THE PRESIDENT: (Interposing) The question you put to him was, what was his

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relation with the Fuehrer. You could not have put it any wider than that, and you certainly covered that with the defendant Keitel.

DR. NELTE: I discussed it with Keitel.

THE IRESIDENT: You have put the question to Keitel, and Keitel answered it at great length.

DR. NELTE: Mr. President, after Keitel was questioned, a witness appeared here who wants to contradict Field Marshal Keitel. If what he ways is true --

THE PRESIDENT: (Interposing) That is the very reason why I asked you whether you wanted this witness to confirm what the defendant Keitel said, and if you did, why didn't you ask him whether he did confirm the evidence of Keitel.

BY DR. NELTE:

Q. Colonel general, you have heard that we can simplify the questioning on this matter. I submit to you, what the witness Gisevius said here in this room about Field Marshal Keitel was in contradiction essentially to what Field Marshal Keitel and the other witnesses questioned about Keitel said. I point out that Gisevius did not speak from his own knowledge, but that he was given information from the OKW. If you want to consider this, please answer the question now: To your knowledge of things, is what Field Marshal Keitel said under oath such as has been confirmed by others, with the exception of Gisevius, or is it true what Gisevius said?

A. Only that is true which Field Marshal Keitel said. I experienced it on thousands of days. What the witness Gisevius said in this connection is a general form of speech. Apart from Hitler, there was no powerful man; there was no influential man next to him, and this could not be one.

Q. The witness Gisevius mentioned an exhibit to prove that Keitel prevented certain reports from being presented to Hitler. Since you had a part in this document which is before you, I should like to have this one document presented to you, and ask you to comment on it. It is Document 790-PS. This document does not consist of a set of minutes, but a file notice, as you see. It is the white book which was prepared on the ostensible violations of neutrality of Belgium and Holland. And in this connection, the witness Gisevius said:

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"I believe that I should mention two more examples which are of special significance, to my mind. In the first place, all means were used to induce Field Marshal Keitel to warn Hitler against invading Holland and Belgium, and to tell him -- that is, Hitler -- that the information submitted by Keitel about the ostensible violations of neutrality of the Dutch and Belgians was false. The counter-intelligence -- that is, Canaris -- was to prepare these reports which incriminated the Dutch and the Belgians. Admiral Canaris refused to sign these reports. He repeatedly told Keitel that this report that had been prepared by the OKW was false".

"That was the one example when Keitel did not turn over to Hitler what he was supposed to".

Colonel general, after you have looked over this document, please confirm that these notes show that Field Marshal Keitel and you were accused of covering false reports, and that on the basis of the Canaris report, in Part A, the OKW refused to cover this white book. Is that true?

A. (No response)

THE PRESIDENT: Well, if you understand the question, will you answer it?

THE WITNESS: I understand the question, and I should like to assert this as an effect here briefly and tell how the event really was.

I was present when Canaris came to the Reich Chancellery with this report. Field Marshal Keitel then submitted to him the draft of the white book of the Foreign Office. Field Marshal Keitel then looked this book over and listened to the essential remarks which Canaris made at the wish of the Foreign Office that intelligence needed some improvement, that military action against Holland and Belgium was absolutely necessary, and that, as it says here, a last really "eclatante" violation of neutrality was lacking.

Before Canaris had said a word, Field Marshal Keitel threw the book on the table and said, "I forbid that. How could I take over the responsibility for a political decision?

"In this white book, there are, word for word, the reports which you

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yourself (Canaris) made to me."

Thereupon, Canaris said, "I am of exactly the same opinion. In my opinion, it is completely superfluous to have this document signed by the Wehrmacht, and the reports which we have here, as a whole, are completely sufficient to show the breaches of neutrality which took place in Holland and Belgium". And he advised Field Marshal Keitel against signing it.

That is what took place. The field marshal took the book with him, and I do not know what happened after that. But one thing is certain, that the imaginary reports of this Gisevius turns everything upside down. All these reports about the violations of neutrality came from these people who now asserted that we had signed them falsely.

Q. Did Admiral Canaris play a role in this case? Gisevius said it was not possible that Admiral Canaris could submit an urgent report to Hitler on his own initiative. It is reported that Canaris gave reports to Field Marshal Keitel, who did not submit them. I ask you, is that true?

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A Of course I did not follow up every document that came to Field Marshal Keitel, but Field Marshal Keitel submitted everything of which one could say, the Fuehrer has to know that. I have already said that if Canaris had not been satisfied in this connection, he could give it to the Fuehrer directly. He had only to go into the office and give it to the Chief Adjutant of the Fuehrer.

THE PRESIDENT: If you don't know, why don't you say so. If you don't know whether he gave it to the Fuehrer or not, say so.

Q I only asked whether the testimony is true, that Admiral Canaris could not come to Hitler. I wanted you to answer that question.

A In fact, he was with the Fuehrer dozens of times.

Q If he wanted to, he had access at any time?

A Absolutely, at any time.

THE PRESIDENT: Now will you tell me what page in the shorthand notes this evidence is of Gisevius?

DR. NELTE: It is the minutes of the meeting as far as Keitel is concerned. It is on Page 8376 to 8385 of the German minutes, the session of 26 April, 1946.

BY DR. NELTE:

Q I want to show you two affidavits which you signed together with Field Marshal Keitel, which have been submitted to the Court. These are the affidavits Keitel No. 9, High Commander of the Wehrmacht and General Staff; and the affidavit Keitel No. 13, Development of the Conditions in France, 1940 to 1945, and the military competencies. You remember that you signed these affidavits?

A Yes.

Q Can you confirm the accuracy of your affidavit?

A I confirm this statement.

Q I will not read these affidavits or parts of them. On the question of rearmament of General Thomas, who was also given as a source of information here, I should like to ask you a few questions. You know that the prosecution submitted an extensive book here, PS 2353, regarding rearmament, from the pen of General Thomas. Since General Thomas was also given by the witness

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Gisevius here as a source of information, I must question you about Thomas. In his affidavit, which is attached to Document 2353, he said that on the 1st of February, 1943, he was released from the OKW. Do you know anything about that? Do you know whether that is true or not?

A As I recall, he was placed among the officers for special use of the high commanders of the Wehrmacht. He was at the disposal of Field Marshal Keitel.

Q Did he not have a special assignment?

A He had several assignments after that I believe.

Q I want to ascertain only that after the 1st of February, 1943, General Thomas was given assignments by the OKW, especially taking down this work which has been submitted here; is that true?

A That is true, that he was occupied with writing a history of armament I might say.

Q What was his relationship to Field Marshal Keitel?

A From the time when I knew the two men together, that was before the war or at the very beginning of the war, I knew it only as a good relationship.

Q Do you know the reports to General Thomas concerning rearmament?

A I can not with certainty recall any reports about our own rearmament. I can recall reports about the war potential of our enemies.

THE PRESIDENT: Dr. Nelte, are you going to be much longer, because it is ten minutes past five and if you are not going to conclude tonight we had better adjourn.

DR. NELTE: I will need some time yet.

THE PRESIDENT: Then we will adjourn at this time.

(The Tribunal adjourned until 6 June 1946, 1000 hours.)